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PRELUDE TO CONFLICT: THE MOVEMENT FOR CHURCH PATRONAGE REFORM IN SCOTLAND (1824-1834)

by

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LIST OF ABBREVIATIONS

Caithness Presbytery	Scottish Record Office, Book of the Presbytery of Caithness, 30 November 1825 to 16 September 1841.
Colinton Session, 4	Scottish Record Office, Colinton Parish Minute Book, 1722 to 1830.
Colinton Session, 4a	Scottish Record Office, Colinton Parish Minute Book, 1830 to 1907.
CPR	The Church Patronage Reporter.
Debate anent Calls 1832	Report of the Debate in the General Assembly of the Church of Scotland on the Overtures anent Calls, 24th May, 1832.
Disruption Worthies	James B. Gillies, ed., Disruption Worthies: A Memorial of 1843.
DNB	The Dictionary of National Biography.
ECI	Edinburgh Christian Instructor.
Edinburgh Presbytery, xix	Scottish Record Office, Record of the Presbytery of Edinburgh, 21 March 1822 to 24 April 1833.
Edinburgh Presbytery, xx	Scottish Record Office, Record of the Presbytery of Edinburgh, 27 April 1833 to 27 December 1837.
Edinburgh Proposals	Anon., Statements Relative to the City of Edinburgh....

Evidence, University Visit	Evidence, Oral and Documentary, Taken and Received by The Commissioners Appointed... 1826...for Visiting the Universities of Scotland.
Glasgow University Report	Report by the Commissioners Appointed...1836...for Visiting the University of Glasgow.
HMC	Historical Manuscripts Commission.
"Layman," Hints	"A Presbyterian Layman," Hints for the Consideration of the Orthodox Clergy of the Church of Scotland....
Little Dunkeld Debate	A Report of the Proceedings of the General Assembly of the Church of Scotland, 24th May 1825, Relative to the Presentation of the Rev. Thos. Nelson, to the Parish of Little Dunkeld.
Mathieson, ii	William Law Mathieson, Scotland and the Union: A History of Scotland from 1695 to 1747.
Mathieson, iii	William Law Mathieson, The Awakening of Scotland: A History from 1747 to 1797.
Mathieson, iv	William Law Mathieson, Church and Reform in Scotland: A History from 1797 to 1843.
PAMAA	Account of the Proceedings of the Annual Meeting of the Aberdeen Auxiliary Society for Improving the System of Church Patronage in Scotland....
PAMPS	Account of the Proceedings of the Annual Meeting of the Society for Improving the System of Church Patronage in Scotland....

Patronage Report	House of Commons, Report from Select Committee on Church Patronage (Scotland;)....
Public Meeting 1833	A Full Report of the Speeches against Patronage in the Church of Scotland, Delivered at the Public Meetings...1833.
RDPS	Annual Report of the Directors of the Church Patronage Society.
RSCHS	Records of the Scottish Church History Society.
Scotch Church Records	Scottish Record Office, Scotch Church Records, 1809 to 1885.
SHR	The Scottish Historical Review.
Source Book, iii	William Croft Dickinson and Gordon Donaldson, eds., A Source Book of Scottish History, Volume III, 1567-1707.
SRO	Scottish Record Office.
Thurso East MSS.	Sinclair of Ulbster MSS., Thurso East Mains, Caithness.
University Report 1831	Report Made to His Majesty by a Royal Commission of Inquiry into the State of the Universities of Scotland...1831.
What Is the Popular Party to Do?	Anon., Our National Church: What Is the Popular Party to Do?

In the footnotes lower-case roman numerals denote volume numbers, arabic page numbers.

PREFACE

Perhaps the most important single episode in nineteenth-century Scottish history was the Disruption. This was the departure from the established Church of Scotland in 1843 of a large number of Evangelical clergy and laity to form the Free Church of Scotland. A division that had profound ramifications for Scottish life, the Disruption resulted from a clash between church and state over the rights and status of the established, national church. The clash arose over the church's attempt to give congregations a veto over the exercise of church patronage. Patronage, the right to appoint the clergy, was a right possessed by the Crown, various laymen, town councils, and others. The clash of church and state extended over a decade preceding 1843, a decade known as the Ten Years' Conflict. Various writers have studied this period that produced the Disruption. None have examined in depth the movement for patronage reform that led to the Ten Years' Conflict. This the present study seeks to do and therein to show that behind the Ten Years' Conflict, and thus behind the Disruption, lay a concerted effort to reform the mode of ministerial appointment.

The institution of patronage had a wide effect on Scottish life. In the early nineteenth century some members of the Evangelical party in the Church of Scotland concluded

that the effect was a baneful one and sought reform of the institution. These Evangelicals complained that patronage bred many evils. These included, they claimed, corrupt influences in the choice of clergy, the appointment of many undesirable ministers, the decline of the church's lay leadership, the neglect of the building needs of the church, and the spread of secession, dissent, and irreligion. The Evangelicals who attacked patronage based their opposition on broad principles, evangelical, irenic, and democratic in nature. The Moderate party in the church, which dominated until 1834, defended the status quo. Some Evangelicals joined the Moderates in defending the institution of patronage as it then existed, but urged a measure of reform in its exercise.

The Evangelical proponents of thorough-going reform organized in 1824 a society to promote their cause. The society at first sought to reform patronage gradually by buying patronages and settling the right of choice on communicant male heads of families. The scheme failed. Thus in the early 1830's, following enactment of the Reform Bills of 1832, the society launched a large campaign to persuade Parliament to abolish the prevailing system of patronage in favor of some mode of popular choice. While public opinion seemed to echo the society's demand, the British government took no action beyond appointing a committee of inquiry. Instead the government supported in the church's General

Assembly of 1834 the passage of the Veto Act, a measure that soon proved to be an impossible compromise between retention of the status quo and the institution of popular choice.

Because this study involves repeated references to the Moderates and Evangelicals, some consideration of these two ecclesiastical parties may be useful. The Church of Scotland divided into these two distinct groups during the eighteenth and early-nineteenth centuries. Early in the twentieth century David Masson, Historiographer-Royal and Regius Professor of Rhetoric and Belles-lettres in Edinburgh University, wrote that

> Moderatism and Evangelicalism have been very significant words in Scotland for several generations. Guelph and Ghibelline in mediaeval Italy did not denote a more essential distinction than Moderate and Evangelical did in Scotland. It was a natural polarization. If you were not a Moderate you were an Evangelical, and if you were not an Evangelical you were a Moderate.[1]

More recently the Very Reverend Dr. Alec R. Vidler, Dean of King's College, Cambridge, attempted to distinguish between the Moderates and the Evangelicals:

> The two parties have been credited with various characteristics--for instance, with different styles of preaching, and even with different drinking habits--but the main ostensible cause of their differences was patronage, though behind this lay the contradiction between a cultured, rationalistic, somewhat worldly religious conformity [the Moderates] and the

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[1]David Masson, Memories of Two Cities, Edinburgh and Aberdeen (1911), 214.

> zealous, astringent, missionary fervour of the strictest Calvinistic orthodoxy [the Evangelicals].[2]

It is not sufficient, however, to write that patronage made the main difference between the two parties. In one sense, to be sure, it did: The Moderate party saw no need for reform of patronage, at least not until 1833, whereas in the late 1820's and early 1830's most members of the Evangelical party believed that the mode of ministerial appointment could be improved. In another sense, however, this distinction blurs: In the early 1830's the Evangelicals split between those who wished to reform the existing institution without abolishing it--and tried to do so with the Veto Act of 1834--and those who sought-unsuccessfully--to have the prevailing system of patronage replaced by popular choice. Then too, beginning in 1833 the Moderates, while insisting on the retention of the prevailing system, were willing to agree to a small measure of reform. Therefore if retention or abolition of the prevailing system of patronage is taken as the point at issue, the Moderates and some Evangelicals stood against other Evangelicals. The basic difference between the two parties is really one of type of churchmanship, such as is found in distinctions in the Church of England. The topic as it pertains to the late eighteenth and early nineteenth centuries is treated more

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[2]Alec R. Vidler, The Church in an Age of Revolution: 1789 to the Present Day (1961), 57.

fully toward the end of the first chapter.

In this study the words "Moderate" and "Moderatism" are always capitalized, for they always refer to the Scottish ecclesiastical party. With "Evangelical"/"evangelical" and "Evangelicalism"/"evangelicalism" the matter is not so simple. Capitals are employed where the reference is to the Scottish ecclesiastical party. However, where the terms refer to less distinct phenomena, such as evangelicalism in its most general sense or English evangelicals, lower case is used.

The term "church patronage" is itself open to confusion. In a limited sense it was often used by early nineteenth-century Scots to mean the current mode of ministerial choice--appointment by the Crown, certain individual laymen, municipal and academic corporations, and so forth. Th[illegible] the "abolition of patronage" meant taking away the right of appointment from those patrons and substituting a system of choice by some larger, usually popular, group such as congregations. On the other hand, the term was sometimes used in a wider sense simply to signify the right of appointment, whether by patrons, small groups, or large groups. Thus in this wider sense "abolition" can be seen as a means of reforming patronage. Both senses are employed in this work and it is hoped that the context and phrasing prevent confusion. Definitions of some other terms are attempted in a glossary.

Much of this study focuses on the society that led the movement for the reform of church patronage. The problem arises of a short title for the organization. Where the context permits, it is simply called "the society." Where more identification seems needed, the usage of the period is followed: The term "patronage society" is used to refer to the organization up to the end of 1832; in those years the society officially sought the "improvement" of ministerial appointment through the purchase of patronages. The term "anti-patronage society" is employed for 1833 and 1834; during those years the society campaigned for the "abolition of patronage" (in the limited sense mentioned above).

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CHAPTER I

FROM MEDIAEVAL ORIGINS TO 1824

The movement between 1824 and 1834 for the reform of patronage in the Church of Scotland is best understood in its historical context. The institution of church patronage has a history that antedates 1824 by many centuries. Opposition to patronage and alternative methods of ministerial appointment also have their origins in earlier eras. Then too, many of the people in the early nineteenth century who debated the patronage question sought precedents in the past. This chapter, therefore, attempts to survey the historical background of church patronage and of the early-nineteenth century movement for its reform.

While in the early Christian church people and bishops, especially the latter, had chosen the clergy, by the twelfth century patrons had won this right in Western Europe.[1] This

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[1]John Joseph Coady, The Appointment of Pastors (1929), 15 & n, 20-21; House of Commons, Report from Select Committee on Church Patronage, (Scotland;) with the Minutes of Evidence, Appendix and Index, 1834 (hereafter Patronage Report), 221-223, 356; Adam Smith, An Inquiry into the Nature and Causes of the Wealth of Nations (Edwin Cannan, ed., 1904), ii, 284-285; Edinburgh Christian Instructor (hereafter ECI), xxvi (May 1827), 352; George P. Innes, "Ecclesiastical Patronage in Scotland in the 12th and 13th Centuries," Records of the Scottish Church History Society (hereafter RSCHS), xii, 64-66; G.W.O. Addleshaw, Rectors, Vicars and Patrons in Twelfth and early Thirteenth Century Canon Law (St. Anthony's Hall Publications No. 9, 1956).

they achieved by being the founder or heir of the founder of a chapel or church which had become a parish church, or simply by asserting a right of patronage to a church in their neighborhood.[2] Or the right may have come to a seigneur by virtue of the appointment in late Roman times of his ancestor as protector of the church.[3] Scottish Evangelicals of the early nineteenth century, like the Reverend Dr. David Welsh, Regius Professor of Ecclesiastical History in the University of Edinburgh, attributed the rise of church patronage to "superstition," "heathen practices," and the malevolent influence of the papacy.[4]

Patronage came to Scotland about the early twelfth century as part of the efforts of Queen Margaret and her sons

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[2]Quirinus Breen, "Patronage," and "Eigenkirche," Virgilius Ferm, ed., An Encyclopedia of Religion (1945), 566, 246; Coady, Appointment of Pastors, 20-21; Innes, RSCHS, xii, 65; Ian B. Cowan, "Appropriation of Parish Churches in Medieval Scotland" (Ph.D. dissertation, University of Edinburgh, 1961), i, 12, 35-36; Patronage Report, 54, 69, 320; Alexander Dunlop, Parochial Law (3rd edn., 1841), 187-188; ECI, xxvi (May 1827), 352.

[3]Patronage Report, 56-57, 356-357; this is the picture of the mediaeval church patron in Naomi Mitchison's Karensgaard, fictional re-creation of the life of a Danish farm from its origins. For other aspects of the early history of patronage see also Johannes Baptist Sägmüller "Patron and Patronage," The Catholic Encyclopedia (1913), xi, 560-562.

[4]Patronage Report, 223; ECI, xxv (December 1826), 907 and xxvi (May 1827), 352.

to reshape Scotland more in the Continental image.[5] "The regular practice...was for the patron to send letters of presentation, the bishop to issue letters of admission and institution, and the appropriate official...to induct...."[6] Patrons enjoyed other prerogatives besides presentation. One was the right to the fruits of a living during vacancy, and a canny patron, perhaps by forcing a prospective presentee to promise him a portion of the income, could make patronage a substantial source of profit.[7]

Urged by the church, however, lay patrons became anxious to disembarrass themselves of their spiritual holdings. Many, by the process of appropriation, granted the benefices in their gift to religious corporations such as bishoprics and monastic houses.[8] These corporations, acting as perpetual incumbents of these annexed benefices, kept most of the revenues for their own use, appointing to the parishes vicars or stipendiaries who received only a fraction of the fruits. On the eve of the Reformation eighty-six per cent of the

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[5]Innes, RSCHS, xii, 63; Cowan, "Appropriation," i, 33; see also Patronage Report, 357.

[6]Innes, RSCHS, xii, 70.

[7]Dunlop, Parochial Law, 188-189; see also Patronage Report, 46 and Sir Henry Moncreiff Wellwood of Tullibole, Bart., Account of the Life and Writings of John Erskine, D.D., Late One of the Ministers of Edinburgh (1818), 423.

[8]Cowan, "Appropriation," i, 18, 27, 36-37, 1, 38; Dunlop, Parochial Law, 189-190; Patronage Report, 31.

1,028 parishes of Scotland had been appropriated ("patrimonial" churches) and, narrowly speaking, patronage existed only in the unappropriated ("patronate") parishes.[9]

The gradual Reformation that began in Scotland in 1560 did not end patronage, even though the reformers seem to have preferred another mode. They wrote in the First Book of Discipline (1560) that "it appertaineth to the people, and to every several congregation, to elect their Minister," and to the superintendent, who exercised oversight, to admit him.[10] In the confusing picture of this period after 1560 one can see on the one hand congregations or their delegates electing, superintendents appointing, or lay patrons presenting reformed clergy for the work of the parishes, all with the approbation of the new Assembly; and on the other hand patrons, including the Crown, other laymen, and bishops, gifting livings usually to unreformed clerics by presentation or to lay favorites in commendam, all under

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[9]Patronage Report, 2, 5-6, 54-57, 357; Cowan, "Appropriation," i, 1-2, 5-6, 56-58, 207; Dunlop, Parochial Law, 189-190.

[10]John Knox, History of the Reformation in Scotland (William Croft Dickinson, ed., 1949), i, p. lii and ii, 283-285; Patronage Report, 32, 42-43, 62-66, 70-72, 74, 174-175, 226-228, 260, 276, 316, 357-358, 431; ECI, xxvi (December 1827), 816-818; Gordon Donaldson, The Scottish Reformation (1960), 119, 149.

the aegis of the surviving old hierarchy.[11]

With the abolition of papal jurisdiction in Scotland the Crown assumed the previously papal position of patronus universalis, the universal patron or patron paramount, having right where previous claims failed. Under this doctrine and later under laws of the state the sovereign acquired the vast holdings of ecclesiastical corporations and freely granted many of them to laymen; with this transfer the patronages involved became again patronages in the full ("patronate") sense.[12] Unhappy that the Crown, its lay favorites, and unreformed incumbents were enjoying the ecclesiastical revenues of the kingdom, the reformers put the case that the reformed church ought to possess these funds. Responding in 1562 the Crown declared that the "old possessors"

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[11]Donaldson, Reformation, 61, 64-65, 72-74, 149-150; Patronage Report, 2-6, 22, 32-33, 42, 58, 93, 106, 174-175, 208, 228, 357-360, 394, 452 (this last John Lee, Clerk of General Assembly, drawing in part on his knowledge of the destroyed Church of Scotland mss. from Sion College, London); Knox, History, i, 1; John Brown (of Langton), Letter to the Rev. Dr. Chalmers, Moderator of the Last General Assembly of the Church of Scotland; on the Extent of the Powers Which Ought to be Vested in the People, in the Settlement of Ministers (1833), 5; Dunlop, Parochial Law, 190-191; ECI, xxvi (December 1827), 818; William Law Mathieson, Scotland and the Union: A History of Scotland from 1695 to 1747 (1905) (hereafter Mathieson, ii), 205; ?, "Church Reform," Chapter III of a pamphlet in New College Library, Edinburgh, the rest of which, including titlepage, could not be found, 56.

[12]Donaldson, Reformation, 150; Patronage Report, 3, 55-58, 68-69, 136, 170-171; Smith, Wealth of Nations, ii, 292; Quirinus Breen, "Advowson," Virgilius Ferm, ed., Encyclopedia of Religion (1945), 7.

should retain only two-thirds of the fruits, and that the last third be shared by the Crown itself and the reformed ministers.[13] This arrangement proved unsatisfactory to the reformers, and Queen Mary promised the General Assembly of June 1564 that she would soon make proper provision for the reformed kirk. For the church's part the Assembly in the following year recognized the right of patrons to present, as it had also insisted on the right of the superintendents to examine and admit.[14]

The revolution of 1567, which replaced the queen with her infant son, James VI, under Regent Moray, and which established the reformed religion, brought with it recognition of the system of church patronage. This system, with the exception of two short periods, was to prevail in Scotland until 1874. The Estates, the Parliament of Scotland, enacted that presentation belonged to the patrons, examination and admission to the church by the superintendents; the people were not mentioned. As parishes fell vacant they were to be filled by the presentation of reformed clergy. In time the condition would disappear under which reformed ministers

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[13] Patronage Report, 42, 447; Donaldson, Reformation, 69, 71; Gordon Donaldson, ed., Accounts of the Collectors of Thirds of Benefices, 1561-1572 (Scottish History Society, 3rd series, xliii, 1949), x-xi; Dunlop, Parochial Law, 190-191.

[14] Knox, History, ii, 103-104; Donaldson, Reformation, 151; Patronage Report, 72, 120, 229, 276-277, 316, 452.

served cures of souls while unreformed priests or laymen enjoyed the livings.[15]

Although the church did express its opposition to patronage in its Second Book of Discipline of 1578, a work much appealed to by early-nineteenth-century Evangelicals, the state never recognized the anti-patronage proposals of that document. Indeed, the state repeated its recognition of the established rights of patrons by act of Parliament 1581. The church, by the General Assembly of 1582, acknowledged the force of patronage and does not appear soon again to have challenged the institution.[16] In the last two decades of the sixteenth century the state made various changes in the machinery of patronage and in other matters of the church's governance. These culminated in 1592 in the change for the most part from an episcopal to a presbyterian polity. The act of that year required that presentations thereafter be directed to presbyteries, giving the patron right to stipend during a vacancy caused by the refusal of

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[15]Donaldson, Reformation, 68, 152-155; John H. S. Burleigh, A Church History of Scotland (1960), 191-192; Patronage Report, 2-3, 12, 58, 66-67, 173-174, 199, 208-209, 316, 395-397, 424; John Cunningham, The Church History of Scotland from the Commencement of the Christian Era to the Present Time (1882), ii, 232-233.

[16]Donaldson, Reformation, 198-199, 203, 207; Patronage Report, 4-5, 11, 31, 33-34, 43, 45, 52, 55, 67-69, 73-77, 107, 175, 229, 231, 276, 317, 358, 395, 400-401, 423, 457; Dunlop, Parochial Law, 186; see also "A Member of the Faculty of Advocates" [Charles Fergusson of Kilkerran], The Early History of Church Patronage.... (1833), 67-70.

the presbytery to admit a qualified presentee.[17] After 1592 most benefices were conferred on the person who actually served the cure of souls. This largely ended the absurdity of the separation of the benefice from the pastoral incumbent it was meant to support.[18] The regular machinery of patronage, presentation by the patron and examination and admission by the ecclesiastical agency of oversight, continued thereafter to supply parochial vacancies, although there is some evidence that in addition in some areas the consent of the people was sought, with the possibility of their stating lawful objections for consideration of the admitting power.[19]

The polity of 1592 was short-lived. Before twenty years had passed James VI had restored the episcopate. Its resuscitation did not mean, however, an end to presbyteries, but rather the practical compromise of bishop-in-presbytery, which seems to have served well the early seventeenth

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[17]Donaldson, Reformation, 209-223; Patronage Report, 2, 7-12, 22, 27, 35-37, 42, 68-69, 75, 104-105, 108, 121, 171-172, 175, 209, 317, 321, 390-400; William Law Mathieson, Church and Reform in Scotland: A History from 1797 to 1843 (1916) (hereafter Mathieson, iv), 307-308.

[18]Alexander Dunlop, Law of Patronage, and Settlement of Parochial Ministers (1833), chapter VIII; Patronage Report, 10-11; Mathieson, iv, 320.

[19]Patronage Report, 36, 232, 260; Donaldson, Reformation, 222-223; see also Patronage Report, 359, 432.

century.[20] As to patronage in the period, some early nineteenth-century Evangelicals put the case that patrons violently intruded ministers upon congregations. In actual fact the evidence seems to show that the operation of patronage was quite flexible. If presentation by the patrons remained initial and essential, such presentations probably being directed to presbyteries or bishops or both, it appears that patrons often gave genuine consideration to the wishes of the people in the choice of their pastors.[21]

In the tumultuous times following the Covenant and the Glasgow General Assembly of 1638 patronage remained the mode of appointment, although the presbyterian leaders of the church largely controlled the process. Presbyteries assumed the bishopric patronages, which had been restored with the revival of the episcopate under James VI. Presbyteries also exercised much of the patronage of lay patrons, by virtue of the rule jure devoluto, which gave the agency of oversight right to appoint when the patron failed to do so. Then too, the Assembly of 1642 obliged Charles I to choose a presentee for any Crown benefice from a leet of six (later three) submitted by the presbytery after consultation

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[20]Burleigh, Church History, 206-207, 209; Patronage Report, 6, 13, 109, 171; Gordon Donaldson, Scotland: Church and Nation through Sixteen Centuries (1960), 77-79.

[21]Donaldson, Reformation, 223; Patronage Report, 22, 35, 37, 45, 77-78, 232, 259-260.

with the congregation.[22] These arrangements were not enough, however, for more radical leaders like Samuel Rutherfurd. The Estates responded in 1649 by abolishing the institution of patronage, allowing General Assembly to choose procedures for appointment, providing only that the people, who in late years had increasingly participated in ministerial selection, should have a rôle.[23]

The Assembly of 1649, some of whose commissioners wanted choice to rest with presbytery, others with the congregation, reached a compromise. Under this the presbytery directed the process, the session elected the minister, and the people had right to consent or to veto if they could show proper grounds acceptable to the presbytery. The Assembly additionally provided, however, that where a congregation were "malignant," that is, out of favor with the régime of Rutherfurd, as was not uncommon, full choice lay with presbytery.[24]

Though the 1649 mode of appointment did not survive the Restoration, the directory in which it was embodied

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[22]Burleigh, Church History, 212, 219-224; Patronage Report, 7, 13, 16, 22-23, 37, 78-79, 92, 109-112, 175, 232, 261, 320, 401, 460-461; John Brown (of Langton) in Report of the Debate in the General Assembly of the Church of Scotland on the Overtures anent Calls, 24th May, 1832 (1832), 10.

[23]Patronage Report, 13-14, 37, 45, 60, 111, 121, 317-318, 320, 402-403, 460-461.

[24]Patronage Report, 15, 37, 43, 80, 175, 179, 261, 268, 297, 318, 349, 403, 453; Brown, Letter to Chalmers, 6.

continued, in its provisions for the consent of the people, to be considered of some authority into the nineteenth century.[25] Indeed, many Evangelicals of the era of reform, including the best known of them, the Reverend Dr. Thomas Chalmers, pointed to the decade of the 1650's as a blessed era, a veritable paradise of purity. It was the result, they thought, of patronage-less popular presbyterian polity.[26] More accurate in their historical interpretation were other early-nineteenth-century Evangelicals, like Lord Moncreiff of the College of Justice. They recognized the period of the directory as one of factional despotism and controversy, during which appointment was not popular, but largely controlled by Rutherfurd's men in the presbyteries.[27] Then too, during a large portion of the period 1649-1660 the directory prevailed hardly at all, for the foreign tyrant, Cromwell, gave power of appointment to a committee of these ultra-presbyterians under Rutherfurd.[28]

The Restoration acts of 1661 restored both patronage and the polity of bishop-in-presbytery. The Crown, other lay

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[25] Patronage Report, 112, 122, 458.

[26] Patronage Report, 15-16, 20, 23, 51, 167, 233-234, 300, 360-361; ECI, xxvi (February 1827), 104.

[27] Patronage Report, 112, 114, 173, 180, 233, 261, 263, 319, 405-412, 467.

[28] Patronage Report, 15, 112, 114, 125-126, 318; James Steuart, Notes for a History of Colinton Parish (1938), 331-332.

patrons, and the bishops resumed their old rights to present to benefices.[29] Some churchmen, such as Robert Leighton, enlightened Archbishop of Glasgow, thought that the consent of the people ought to be an element in the choice of pastors.[30] However, the typical picture of the period shows different thinking dominant. Even some Moderates of the early nineteenth century agreed with their Evangelical brethren that in these "killing times" of the Restoration church many of the presentees were unfit for clerical office, intruded against the will of the folk.[31]

The aversion of much of Scotland to episcopacy and patronage found satisfaction in the settlement following the Revolution of 1688. Reluctantly, William II granted the purely presbyterian polity that has persisted to the

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[29]William Croft Dickinson and Gordon Donaldson, eds., A Source Book of Scottish History, iii (2nd edn., 1961), 157-158; Walter Roland Foster, Bishop and Presbytery: The Church of Scotland, 1661-1688 (1958), 4-5, 52; Patronage Report, 9-10, 16, 22, 38, 112, 233, 361.

[30]Foster, Bishop and Presbytery, 52-53; Patronage Report, 37, 235.

[31]Patronage Report, 23, 79, 176, 234-236, 322, 361, 412; see also Henry M. B. Reid, The Divinity Professors in the University of Glasgow, 1640-1903 (1923) (hereafter Glasgow Divinity Professors), 150.

present.[32] Thus was fixed the government of the church by a hierarchy of ecclesiastical courts. The kirk-session, consisting of the minister and lay elders, governed at the parochial level. The presbytery ruled at the next level. All the parish ministers and one lay elder from each kirk-session in a particular district composed this court. The presbytery exercised the chief episcopé or episcopal type of oversight in the church. The third court in the hierarchy, the provincial synod, was the least important. It consisted of all the parish ministers and one lay elder from each kirk-session in an area of a number of presbyteries. Synod bounds largely followed those of the mediaeval bishoprics. The synod mostly served as an appellate court in judicial cases. At the top of the ecclesiastical hierarchy was the supreme court, the General Assembly. Meeting once a year, usually in May, it held the chief power in the church. Its membership included clerical representatives from the presbyteries and lay representatives from the presbyteries and the burghs. During much of the eighteenth and early nineteenth centuries the ministers and lay elders active in the church's governance

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[32]Burleigh, Church History, 252, 254; Patronage Report, 16, 18, 43, 112, 117, 236, 361. For many aspects of Scottish church history in the reign of William, including patronage, two useful recent works are Thomas Maxwell, "William III and the Scots Presbyterians," RSCHS, xv, 117-140, 169-191, and A. Ian Dunlop, William Carstares and the Kirk by Law Established (1967), especially chapter III.

divided into two ecclesiastical parties, the Moderates and the Evangelicals. The former dominated until 1834.

William wanted to retain patronage, but too many of the clergy and members of the Estates wanted the old mode ended, some even proposing a method akin to popular election. As a result the king, on the advice of his wise and tested Scots counselor, William Carstares, accepted something of a compromise.[33] The legislation of 1690 gave the right of appointment to benefices to sessions and Protestant heritors (roughly, landowners), except in burghs where the burgh itself previously had held the patronage, in which case the town councils and the sessions chose. In any case the choice was then presented to the people for their consent, and if that were withheld the presbytery judged of the reasons. Sometimes it seems practice extended participation in the initial choice to feuars (roughly, perpetual renters, almost

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[33]Patronage Report, 82, 236, 261, 412-413, 415-416; James B. P. Bulloch, "William Carstares, 1649-1715," Ronald Selby Wright, ed., Fathers of the Kirk: Some Leaders of the Church of Scotland from the Reformation to the Reunion (1960), 101-103; R. D. Melville, "The Use and Forms of Judicial Torture in England and Scotland," Scottish Historical Review (hereafter SHR), ii, 236; Sir John Sinclair of Ulbster, Bart., Analysis of the Statistical Account of Scotland; with a General View of the History of that Country, and Discussions on Some Important Branches of Political Economy (1826), ii, 15-16; Thomas Maxwell, "William III and the Scots Presbyterians," Part II, RSCHS, xv, especially 185.

landowners) and heads of families.[34]

Evangelicals of the early nineteenth century differed in their interpretations of this portion of the Revolution settlement. Some insisted that the mode of 1690 was popular election, or at least that the people had a veto. Lord Moncreiff, on the other hand, recognized that the initial and crucial power belonged to the session and heritors, and concluded that far from being abolished, right of presentation simply had been transferredto new patrons.[35]

An additional provision of the legislation of 1690 might seem to confirm Lord Moncreiff's interpretation. This was the enactment, difficult of understanding, that heritors could pay patrons 600 merks; his lordship thought this was a means for the parish to purchase their patronage, in part to safeguard their new rights from possible restoration to the old patrons by later Parliaments. Even though the sum was not large, it appears that only four parishes bought these (residual?) rights, for all parishes found they could have

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[34]Source Book, iii, 215-216; Patronage Report, 16, 21, 28, 38, 80, 113, 123, 181, 361-362; Annual Report of the Directors of the Church Patronage Society for the Year 1830 (hereafter RDPS 1830, etc.), 2 (also published in The Church Patronage Reporter (hereafter CPR), 8 (January 1831), 3-6.)

[35]Patronage Report, 26, 52, 82-83, 173, 200, 361-362, 368. See also William Law Mathieson, The Awakening of Scotland: A History from 1747 to 1797 (1910) (hereafter Mathieson, iii), 145.

the choice without purchasing it.[36] Three of the four parishes that insisted on paying for clear title were in the patronage of the University of Glasgow (Cadder and Old and New Monkland, all in the Presbytery of Glasgow).[37] The fourth was Strathblane, Presbytery of Dumbarton, but this transaction afterwards fell because the heritors had paid someone whose claim to the ancient patronage later was successfully challenged.[38] Even where parishes had purchased their patronages the old rights of patrons still had value in one way: Patrons continued, under an act of 1649, to enjoy for their own use anything left of the teinds

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[36] Patronage Report, 112, 176, 200-201, 207, 362, 466; Speech of the Rev. Dr. [William] Hamilton, Strathblane, Delivered at the Annual Meeting of the Church Patronage Society, in Glasgow, on the 28th December, 1830 (1831?) (hereafter Speech of...Hamilton, Strathblane) 3; Mathieson, ii, 208-209; Report Made to His Majesty by a Royal Commission of Inquiry into the State of the Universities of Scotland,...1831 (hereafter University Report 1831), 285. Thomas M'Crie, the respected Seceder historian, thought that the initiative for the transaction lay with the patron, who had right to compel the heritors to pay the 600 merks (Patronage Report, 368).

[37] Evidence, Oral and Documentary, Taken and Received by the Commissioners Appointed by His Majesty George IV. July 23rd, 1826; and Re-appointed by His Majesty William IV., October 12th, 1830; for Visiting the Universities of Scotland, Volume II, University of Glasgow (1837) (hereafter Evidence, University Visit), ii, 45, 107, 250-251, and Report and Appendix, 48; Reid, Glasgow Divinity Professors, 160-161; University Report 1831, 285; see also Cowan, "Appropriation," ii, 63-64, 396-397, 586; Hew Scott, ed., Fasti Ecclesiae Scoticanae: The Secession of Ministers in the Church of Scotland from the Reformation (new edn., nine volumes, 1915-1961) (hereafter Scott, Fasti), iii, 372.

[38] Patronage Report, 17, 113, 203.

(Anglice, tithes) each year after the minister's emoluments had been paid from them. In the 1820's the University of Glasgow, for example, was still getting something each year from the Monklands, though nothing from Cadder because of augmentation of stipend there to the full value of the teinds.[39]

Opposite assessments exist in regard to the period following the legislation of 1690. On the one hand the authors of the preamble to the Act of Anne, 1712, restoring the former system of patronage, claimed that the change in 1690 had bred disorder and division. To this view Moderates of the early nineteenth century, defending patronage, largely adhered.

Early-nineteenth-century Evangelicals, on the other hand, thought the Revolution settlement most successful, not least in its new provisions for appointment of clergy. The Reverend Sir Henry Moncreiff Wellwood, the most respected Evangelical of the early nineteenth century, cited clergymen he had known who had lived in the era 1690 to 1712 to the effect that it had been a peaceful period. Others asserted that the kirk of that day had been the best national establishment anywhere and that in that time was laid the foundation of morality on which rested the strength of the Scottish national

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[39]Patronage Report, 17, 208, 275; Mathieson, ii, 208; Evidence, University Visit, ii, 52.

character. What disputes there then were, explained the Evangelicals, resulted from the rivalry of two or more parishes for the same desirable minister, due to a shortage of qualified clergy.[40]

The Moderates countered that this was true only to a point. After about 1702 there developed an oversupply of clergy with a number of candidates for every vacant living, each backed by a popular faction, with the case often prolonged in the ecclesiastical courts, causing the evil of extended vacancies.[41] Whatever the varying evaluations in the early nineteenth century, however, in 1712 the negative one of the Jacobite friends to the ancient patronage prevailed.

The Act of Anne 1712, restoring patronage, violated, at least in the view of many interpreters, the Treaty of Union of 1707. That treaty had won the approval of the kirk's leaders, notably "Cardinal" Carstares, only after the passage of an Act of Security for the Church of Scotland. This, although not embodied in the text of the Treaty of Union, received a legal status by terms of the treaty as if it were an integral part of it. The Act of Security, however, while confirming the general presbyterian polity established

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[40]Moncreiff Wellwood, Erskine, 432; Patronage Report, 18, 23, 44-50, 83-84, 176, 237-238, 240-241, 300-301, 362-363; Brown, Letter to Chalmers, 12.

[41]Patronage Report, 125, 261, 322-324, 328, 413-414, 417-418, 426, 454, 463-464.

in 1690, did not confirm that portion of the Revolution settlement that gave power of ecclesiastical appointment to heritors and sessions. Some interpreters, nonetheless, insisted that in recognizing the general polity the Act of Security extended by implication to the new mode of 1690 for choosing ministers.[42]

Certainly the Church of Scotland did not want the old system of patronage restored. In the years just before and after the passage of the Treaty of Union it often took alarm at Episcopalian and Tory designs for restoring patronage and episcopacy.[43] Early in 1711 the notion of restoring patronage gained favor with some Scots at Westminster. Several presbyteries and synods sent protestations to Parliament and the Assembly of 1711 was pacified only when Robert Harley, Earl of Oxford and Mortimer, the head of the Tory government,

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[42]A. V. Dicey, "Thoughts on the General Assembly of the Church of Scotland under the Constitution of 1690 (1690-1707)." SHR, xiv, 209; P. Hume Brown, "The Union of the Parliaments of England and Scotland 1707," SHR, iv, 130; George S. Pryde, The Treaty of Union of Scotland and England, 1707 (1950), 28-29; Patronage Report, 113, 207-208; see also A. F. Pollard, The Evolution of Parliament (1920), 361. The text of the Act of Security is in Pryde, Treaty of Union, 105-107; Source Book, iii, 489-492; and Andrew Browning, ed., English Historical Documents (David C. Douglas, general ed.), viii, 1660-1714 (1953), 677-680.

[43]Moncreiff Wellwood, Erskine, 434-435; Patronage Report, 85, 237, 414; Mathieson, ii, 209-210; Anon. [Lockhart of Carnwath?], The Case of Mr. Greenshields, Fully Stated and Discuss'd, in a Letter from a Commoner of North Britain, to an English Peer (1711).

wrote to Carstares to assure him that neither the queen nor her ministers intended to permit the restoration of patronage.[44] It was therefore something of a shock to the kirk when within a year Parliament did just that.

The Scottish force behind the enactment of the Act of Anne 1712 was the Jacobite and Episcopalian party. It looked upon the restoration of patronage as a first step in the re-institution of episcopacy and the promotion of the cause of the exiled Stewarts.[45] Many patrons were Jacobites and Episcopalians, although other patrons, too, sought the return of their old privilege.[46] Ultimately, however, enactment turned on the acceptance of the change by the queen and her ministry. Following the election of 1710 the Tories, led by Harley, displaced the Whigs, and the victors seemed glad of the opportunity to strike against their opponents that they

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[44] Patronage Report, 85, 227, 414-415; Historical Manuscript Commission, Report of the Manuscripts of the Earl of Mar and Kellie Preserved at Alloa House, N.B. (1904), 209-210; HMC, Fifteenth Report, Appendix, Part ix, The Manuscripts of J. J. Hope Johnstone, Esq. of Annandale (1897), 125.

[45] Patronage Report, 85, 200, 237; see also Kenneth Scott Latourette, Christianity in a Revolutionary Age: A History of Christianity in the Nineteenth and Twentieth Centuries (hereafter Revolutionary Age), i, 61.

[46] Patronage Report, 176, 200, 261; Mathieson, iv, 23; David Craig, Scottish Literature and the Scottish People, 1680-1830 (1961), 69; see also George S. Pryde, Scotland from 1603 to the Present Day, volume ii of A New History of Scotland (1962), 95 and Scottish Record Office (hereafter SRO), Inventory, Clerk of Pennicuick Muniments, ii, ecclesiastical section.

saw in the reëstablishment of church patronage in Scotland.[47] As Macaulay pointed out, the Torries disliked the Whig-sponsored Union and the presbyterian establishment it guaranteed. "The Ministers hated that church much; and their chief supporters, the country gentlemen and country clergymen of England, hated it still more."[48]

Opponents of patronage in both the eighteenth and the early nineteenth centuries charged that the Act of Anne was part of a Jacobite plot. Francis Hutcheson, Professor of Moral Philosophy in the University of Glasgow, in an anti-patronage pamphlet of 1735, called the act's authors "enemies of that illustrious family" of Hanover, anxious to weaken the Church of Scotland because it was such a strength to the Protestant succession.[49] Others following him echoed this idea that the restoration of patronage was the first step toward the restoration of tyranny generally.[50]

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[47]Moncreiff Wellwood, Erskine, 434-435; Pryde, Treaty of Union, 57.

[48]Thomas Babington, Lord Macaulay, Speeches and Poems, with the Report and Notes on the Indian Penal Code (1874), 488-489.

[49]Patronage Report, 86.

[50]Patronage Report, 85-86; ECI, xxvi (May 1827), 353, xxx (1831), 46, 503, 770; Account of the Proceedings of the Sixth Annual Meeting of the Aberdeen Auxiliary Society for Improving the System of Church Patronage in Scotland, by Purchasing Up Rights of Patronage, and Settling Them on the Heads of Families in Communion with the Church, Instituted May 7, 1825 (hereafter PAMAA), 9.

The Act of Anne originated in the designs of a group of five Scots Tories in the House of Commons who had allied to manage Scottish business in the lower house with the co-operation of Harley's ministry. Prominent among them was George Lockhart of Carnwath, an outright Jacobite.[51] After Parliament assembled in December 1711 the five secretly decided to introduce bills for tolerating the Episcopalian clergy in Scotland and for restoring patronage. Despite the efforts of Carstares, who had come down to London to prevent it, the Toleration Act passed in February 1712 and Queen Anne, who appears to have promised her concurrence sometime previous to the bill's introduction, assented.[52]

On 13 March, after debate and a division of 159 to 82, the five secured permission to bring in a bill to restore

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[51] The Lockhart Papers: Containing Memoirs and Commentaries upon the Affairs of Scotland from 1702 to 1715, by George Lockhart, Esq. of Carnwath, His Secret Correspondence with the Son of King James the Second from 1718 to 1828, And his other political Writings; Also, Journals and Memoirs of the Young Pretender's Expedition in 1745, by Highland Officers in his Army (1817), i, 338-339; P. W. J. Riley, The English Ministers and Scotland, 1707-1727 (1964), 253; see also Pryde, New History, ii, 96n. Lockhart of Carnwath it seems was himself a patron ("List of the Churches in Scotland & their Several Patrons...as they were before the Revolution," p. 3, Laing MSS., Edinburgh University Library.)

[52] Lockhart Papers, i, 365, 379; Pryde, New History, ii, 94-95; Riley, English Ministers and Scotland, 233-234; G. M. Trevelyan, England Under Queen Anne, iii, (1934), 238-239; A. Ian Dunlop, William Carstares and the Kirk by Law Established (1967), 134-135.

patronage. Though Harley would have preferred not to have antagonized the kirk, he did not oppose the bill, aware of pressure for its passage from Scots Tories and the sympathy shown it by the queen. Debates and divisions marked the bill's passage through the various stages in the House of Commons, the vote on the third reading on 7 April being 173 to 76. The Whig minority fought hard, but to no avail. Most Scots members, unwilling to offend the Crown, offered no opposition.[53]

The introduction of the patronage bill had surprised the Church of Scotland, but by 7 April, when the measure passed the Commons and was first read in the Lords, its agents had arrived in London. The kirk's leader, Carstares, now Principal of Edinburgh University and Minister of St. Giles', was seconded by Dr. Thomas Blackwell, primus, Minister of Greyfriars, Aberdeen, and Professor of Divinity in Marischal College, and by Robert Baillie, distinguished

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[53] Patronage Report, 23, 84, 201, 414-415; Lockhart Papers, i, 297, 301, 378-379, 385-386; Macaulay, Speeches and Poems, 489; Cobbett's Parliamentary History of England: From the Norman Conquest, in 1066, to the Year 1803, vi (1810), 1126-1127; A. Boyer, The History of the Life & Reign of Queen Anne (1722), 553; Gilbert Burnet, History of His Own Time, ii (1734), 595; Mathieson, ii, 210; Riley, English Ministers and Scotland, 234; Trevelyan, England Under Queen Anne, iii, 240. A report (The Observer, 12 December 1965) of a sale of previously unknown letters suggests that Harley himself may well have been a crypto-Jacobite anxious to promote the cause of the exiled Stewart line so that the Old Pretender might come to the throne on Anne's death.

Minister of Inverness.[54] They immediately addressed the upper house. After a delay over protocol, the Lords received their petition that put the case that since the Reformation the kirk had opposed patronage, that to reintroduce it was to violate the Union, that even at its best the institution was accompanied by "known abuses," and that in fact most of the patrons as well as the people of Scotland were "against such a restitution."[55]

The bill came before the Lords again on Saturday, 12 April, and, as its supporters expected, passed with dispatch. Within that day counsel for the Church of Scotland commissioners were heard at the bar and the bill was read a second time, sent to committee, reported on, read a third time, passed, and sent to the Commons with amendments. The division in the Lords was approximately two to one, the Whig opposition being led by Gilbert Burnet, accomplished son of the Scottish kirk and illustrious Lord Bishop of Salisbury.[56] The lower house readily accepted the amendments on Monday, 14 April, and immediately returned the measure to the Lords.

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[54] Patronage Report, 85; Bulloch, "Carstares," Wright, Fathers, 105; Scott, Fasti, vi, 461-462, vii, 358, 363.

[55] Parliamentary History, vi, 1127-1129; HMC, Mar and Kellie, 498; Macaulay, Speeches and Poems, 489. See also Patronage Report, 457.

[56] HMC, Mar and Kellie, 498; Patronage Report, 84-85; Boyer, History, 553; Parliamentary History, vi, 1129; Burleigh, Church History, 278.

There on 24 May it received the assent of her who on other occasions, too, had shown contempt for the Scottish church.[57] Appropriately, the unwanted measure was to be remembered ever thereafter as the Act of Anne.

The new law restored choice of clergy to the pre-1690 patrons, giving the patronages of the Restoration bishoprics to the Crown. In those few parishes where the 600 merks had been paid, right of presentation remained in the heritors and session. The Act of Anne did not change the procedure following presentation; as after 1690 the prebytery were to judge the qualifications of the appointee and the congregation to give their consent, refusing same only for cause, the validity of which the presbytery was to judge. If a patron did not present within six months of the beginning of a vacancy, the presbytery was to present tanquam jure devoluto (as though the right had devolved on it). The act also allowed a patron to retain the whole fruits during vacancy, to use the amount of the stipend "for pious uses within the parish...."[58]

The Toleration and Patronage Acts were not the only

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[57] Patronage Report, 84; Boyer, History, 553; Parliamentary History, vi, 1129; HMC, Third Report (1872), Appendix, 404; HMC, Mar and Kellie, 499; Burleigh, Church History, 279.

[58] The Statutes at Large, of England and Great Britain: from Magna Carta to the Union of the Kingdoms of Great Britain and Ireland, iv (John Raithby, ed., 1811), 149-150; Patronage Report, 21-22, 42, 47-48, 80, 113, 128.

ones that the Westminster Parliament passed in 1712 in opposition to the kirk; the Yule Vacance Act, which recognized that "popish" holiday in recessing the law courts of Scotland, also antagonized the Presbyterians.[59] These three enactments, in the view of many in the Church of Scotland, added up to an awesome threat to the current ecclesiastical establishment of the northern kingdom. This had been Carstares' concern in going to London. Nor were his fears put at rest when he discovered there that the enemies of Presbyterianism were preparing other bills, especially measures threatening the life of the General Assembly. If, however, he found that he could do little to prevent the three pieces of legislation already launched, it does seem that by the time he had left London the rest of the Revolution settlement was out of danger. The Episcopalian Earl of Mar, in fact, on 13 March 1712, had written to his brother, the Justice Clerk:

> Did the Presbyterians see their own interest they wou'd be quiet and easie, for when those things [Toleration, Patronage, and Yule Vacance Acts] are done ther's an end of all can be done against them, and their establishment wou'd then be secure....

This Carstares recognized, and by agreeing to accept the three acts and to use all his considerable influence to quiet opposition in Scotland, he appears to have terminated the

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[59]Pryde, Treaty of Union, 58; Pryde, New History, ii, 94.

threat of any additional enactments touching the established presbyterian polity.[60]

The "Cardinal's" policy was in a way wise, for at least future Episcopalian threats came to nought. The sympathy of most of the Episcopalian clergy of Scotland for the Old Pretender damaged their cause before Queen Anne and various attempts to weaken presbyterianism in Scotland proved futile.[61] Nonetheless, at the time the threat to presbyterian polity did not look so harmless and the Act of Anne greatly increased the general fear of both Episcopalian and Jacobite restoration.[62]

The church's reaction came in the General Assembly meeting in early May 1712. About forty angry presbyteries, more than half the total, had asked the Assembly to seek repeal of the odious legislation. The Royal Commissioner (the Duke of Athol), sensing the temper of the kirk, accepted his

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[60]Trevelyan, England Under Queen Anne, iii, 235; Patronage Report, 85; Lockhart Papers, i, 379; ECI, xxvi (March 1827), 185-186; HMC, Mar and Kellie, 497-498; Bulloch, "Carstares," Wright, Fathers, 105.

[61]HMC, Fifth Report (1876), Appendix, 638; Lockhart Papers, i, 445-451; Pryde, Treaty of Union, 58; Patronage Report, 415.

[62]Burnet, History, 595; P. Hume Brown, "The Union of the Parliaments of England and Scotland 1707," SHR, iv, 131-132; A. V. Dicey, "Thoughts on the General Assembly of the Church of Scotland under the Constitution of 1690 (1690-1707)," SHR, xiv, 209; Patronage Report, 200-201, 240, 416-417, 432; ECI, xxiv (September 1825), 581-582; Alexander Clark, Rights of Members of the Church of Scotland.... (1831), 37.

appointment with reluctance. The Assembly endorsed the remonstrance that the commissioners had presented to the House of Lords and instructed their Commission, the interim agency between assemblies, to seize every opportunity to press for repeal of the Act of Anne. Nor did the opposition soon subside, for on 22 July Mar wrote that "the brethren are going mad...."[63] Strong though the outcry was, Carstares' management seems, nevertheless, to have prevented any really effective expression of this desire to undo the new enactment.

If the Act of Anne became the law of Scotland in 1712, it was, however, not for a long time of much actual force. It may well be that in a few jurisdictions the ancient system of patronage was immediately restored to use, but mostly the system of 1690 prevailed until about 1740 and was in use in some instances until about 1750.[64] Choice was made by heritors and session or presbytery, jure devoluto (as much a part of the method of 1712 as that of 1690). In most instances the "call," the opportunity given the folk to consent

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[63] Patronage Report, 24, 45, 85, 118-119, 142, 261, 326, 457, 461-463; HMC, Mar and Kellie, 499; Clark, Rights of Members, 55-56.

[64] Mathieson, ii, 237 &n; iv, 23: Patronage Report, 22-23, 39, 128, 240-241, 261, 263, 326, 427, 448-449, 464; Moncreiff Wellwood, Erskine, 456; ECI, xxv (November 1826), 769-770, xxvi (May 1827), 354, xxvi (June 1827), 433; George Grub, An Ecclesiastical History of Scotland From the Introduction of Christianity to the Present Time (1861), iv, 449.

or for good cause to withhold consent, was a standard part of the procedure, and possibly on occasion may have been the initial or crucial point of choice.[65] Public opinion and the church courts appear to have forced patrons, the Crown not excepted, to abstain from exercising their prerogative of presentation.[66]

Both the fact that parishes for the most part prevailed over patrons and that Carstares had initially prevented any potent opposition to the new act from gaining force undoubtedly tended to reduce the impulse for repeal. To be sure, some opponents of patronage published pamphlets putting their case, and the judicatories of the church expressed themselves against the Act of Anne, but rarely with energy.[67] For one grievance, however, the church did obtain

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[65] Patronage Report, 38-39, 201, 210, 240-241, 263, 328, 427, 448-449; Mathieson, ii, 237-238, iii, 145-146; Moncreiff Wellwood, Erskine, 435, 456; ECI, xxvi (June 1827), 433; Grub, Ecclesiastical History, iv, 56-57; Walker and Others, Appellants, vs. Lord Provost, Magistrates, and Town Council of Edinburgh (1764), The Appellants' Case, 1 and The Respondents' Case, 1-2 in second volume of Edinburgh Patronage Case, 1762-1764, pamphlets, etc., bound in three volumes, Edinburgh Room, Edinburgh Public Library.

[66] Mathieson, ii, 237-238, 240-241, iii, 145-146; Patronage Report, 39; Moncreiff Wellwood, Erskine, 435.

[67] Patronage Report, 45, 86, 276, 364-365, 414; Grub, Ecclesiastical History, iv, 85; Dictionary of National Biography (hereafter DNB), vi, 849; William Anderson, The Scottish Nation; or the Surnames, Families, Literature, Honours, and Biographical History of the People of Scotland (1877), ii, part 1, 158.

redress. An Act of Parliament of 1719 defined the six months before which the presbytery could appoint jure devoluto as reckonable only from the beginning of the vacancy. It seems that patrons had been interpreting the Act of Anne so as to count the six months from the initiation of each attempted presentation. Some had abused this, presenting clergymen who did not want the living in order to protract the time they might retain stipend, applying it at their discretion "to pious uses."[68]

In these years following passage of the Act of Anne the rôle of the people in the choice of pastors became a question of far-reaching importance. Until about 1725 the position of the church courts, whether proceeding more on presentation from a patron or more on the selection by heritors and session, usually was to require the consent of the people in the form of a call, judging of their objections if they declined to subscribe one. This was the system in 1690.[69] After about 1725, however, some Evangelicals who came to be known as the popular party began to put forward with increasing insistence the doctrine of the divine right of the people

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[68]Moncreiff Wellwood, Erskine, 436-437; Patronage Report, 44, 87, 369; Burleigh, Church History, 279.

[69]Patronage Report, 41, 210, 383; Principal Robert Rainy, supplementary chapter, The Panmure Papers, Being a Selection from the Correspondence of Fox Maule, Second Baron Panmure, afterwards Eleventh Earl of Dalhousie, K.T., G.C.B. (Douglas and Ramsay, eds., 1908), ii, 501-502.

to elect their ministers, claiming that this had been a belief of the Scottish church since the Reformation.[70] Moderates and other Evangelicals thought the idea of popular divine right an entirely novel interpretation of the kirk's principles.[71] With a large portion of the people averse to patronage, however, a number of Evangelicals readily embraced the notion.[72] One modern writer has suggested that this increasing interest in popular right, as well as other aspects of ecclesiastical form, evidences the "low ebb" of "spiritual religion" in Scotland at the time.[73]

The extreme Evangelicals, or "high" or popular party, more and more pushed for the supremacy of the people in cases before the ecclesiastical courts and persuaded more of the folk of the rightness of their position. Forced to determine their minds on the question, a perhaps larger number of churchmen, the Moderates and other Evangelicals, increasingly came to support the rights of patrons and presbyteries and heritors and sessions, to insist that the call was far less than a prerogative of election, that it was simply the means

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[70]Mathieson, ii, 239; Patronage Report, 383-384; [Thomas M'Crie], What Ought The General Assembly To Do At The Present Crisis? (1833), 45.

[71]Moncreiff Wellwood, Erskine, 434, 436, 439-440; Patronage Report, 37, 210; ECI, xxvi (April 1827), 263.

[72]Patronage Report, 38; ECI, xxvi (August 1827), 565.

[73]J. T. Hornsby, "The Case of Mr John Glas," RSCHS, vi, 115-116.

of consent after choice by others, or of having serious objection judged.[74]

After about 1725 the Moderates gained the ascendancy, usually dominating General Assembly, though many lower judicatories were in the hands of the popular party. It was at this period that the high court and its Commission, exercising their right to use all the powers of the lower courts, effected settlements in the face of presbyterial opposition by means of "riding committees." If the presbytery of the bounds refused to install a pastor because the people had not been able to exercise their "divine right," the Assembly or Commission appointed an ad hoc committee from their own members or from judicatories nearby the presbytery in question to associate with any obedient members of that presbytery in settling the regularly presented or appointed candidate. Not surprisingly, people who had embraced the idea of their "divine right" were loathe to allow ecclesiastical authorities to "intrude" unwanted pastors into their parishes. Not a few violent settlements occurred during this

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[74] ECI, xxvi (May 1827), 354; Patronage Report, 138, 144 and Appendix, 156; Grub, Ecclesiastical History, iv, 49.

period.[75]

Various other actions added to the discontent of the popular party and hastened the Original Secession of 1733 that was the result of that frustration. The General Assembly of 1731 passed an act requiring that when presbyteries appointed jure devoluto they were to give choice to heritors and session, preventing popular elections in such cases. The act was sent down to the presbyteries for consideration under the Barrier Act (which since 1697 has required substantive legislation to be passed on by the presbyteries). Although thirty-one out of sixty-seven disapproved, the Assembly of 1732 considered that the mind of the church was favorable and passed the measure into law. Then, too, the Assembly refused to allow representations against the new act to be read or dissents to be recorded, just as in 1730 they had determined that no more dissents from enforcement

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[75]Grub, Ecclesiastical History, iv, 49-50, 56; Moncreiff Wellwood, Erskine, 441; ECI, xxv (November 1826), 769-770, xxvi (May 1827), 354, xxvi (August 1827), 565; Patronage Report, 23, 39, 41, 90; Mathieson, ii, 239; Burleigh, Church History, 279; William C. Lehmann, John Millar of Glasgow, 1735-1801: His Life and Thought and his Contributions to Sociological Analysis (1960), 10-11; see also Leonard J. Trinterud, The Forming of an American Tradition: A Re-examination of Colonial Presbyterianism (1949), 298, 346n.

of their rulings in patronage cases would be received.[76]

Although there were in Scotland at the time a number of Roman Catholics in the north, some Episcopalian non-jurors, and a few Cameronians (remnants of the Covenanters), the Original Secession was the first break from the Church of Scotland, the others being groups that did not secede, but simply had not joined in the Reformation or Revolution settlements.[77] The distinguished leader of the Original Secession, the Reverend Ebenezer Erskine, long a proponent of popular right, had opposed the Act of 1731-1732, and after it had attained final passage he continued to voice his strong opposition. In October 1732, as retiring moderator of the Synod of Perth and Stirling, he had preached to that court vigorously assailing the new legislation and patronage in general, for which attack he had been censured by the synod. With three brethren he appealed to the

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[76]Grub, Ecclesiastical History, iv, 56-57; Burleigh, Church History, 280; ECI, xxvi (May 1827), 355; Patronage Report, 330, 339-340, 384; Moncreiff Wellwood, Erskine, 437; Hugh Watt, "Ebenezer Erskine, 1680-1754," Wright, Fathers, 111-112. Although the term "First Secession" is sometimes used, "Original Secession" is perhaps preferable; see I. M. M. MacPhail, SHR, xlii, 161.

[77]Patronage Report, 88. "Secession" refers to groups that went out from the establishment (1733, 1761, 1843) on the question of patronage, but claimed, at least, to continue to hold the same doctrines as the kirk. "Dissenters," though in a broad sense including seceders, more narrowly means those who differ in doctrine from the establishment whether they be Roman Catholic, Episcopalian, Independent, or what-have-you.

Assembly of 1733, but the supreme court upheld the censure, whereupon Erskine and his friends handed in a protest. "There the matter might have rested," writes the Right Reverend Principal John H. S. Burleigh, "had not the Assembly in a passion of indignation" demanded the withdrawl of the protest and the apology of its authors. When by November they had not complied, the Commission, following the Assembly's instructions, removed them from their charges. Erskine and company spurned the sentence and announced their secession from ministerial communion. The following month they formed themselves into the "Associate Presbytery."[78]

The Assembly of 1734, echoing general feeling, recognized the danger of secession to the peace and piety of kirk and kingdom. It therefore repealed both the Act of 1731-1732, acknowledging its passage a violation of the Barrier Act, and the Act of 1730 that had prohibited the recording of dissent. It also instructed the Synod of Perth and Stirling to seek reconciliation with Erskine and his friends, but the seceder spurned the move and went his separate way with finality, holding that the church had not been

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[78]Moncreiff Wellwood, Erskine, 443-446; Watt, "Erskine," Wright, Fathers, 113-114; Grub, Ecclesiastical History, iv, 57-62; Patronage Report, 38-39, 88-90, 330, 383-384; Mathieson, iv, 23, 45; Burleigh, Church History, 280-281; ECI, xxvi (May 1827), 355.

sufficiently purged of wrongs.[79]

The very existence of patronage, of course, bothered Erskine. The 1733 Assembly's Commission had sent an embassy to London to plead for repeal of the Act of Anne. That failing, the Assembly of 1734 instructed its Commission to send a pilgrimage of petition to the far-off shrine of civil power; but the pattern of negative response to Scottish supplications did not change. Although each Assembly for the next half-century would instruct its Commission to seek a favorable opportunity to pursue repeal, no Commission ever found any such chance.[80]

The General Assembly of 1736 took yet another step to reduce the burden of patronage and reconcile the seceders. It declared that it had been the principle of the church since the Reformation that no minister be "intruded" against the people's will. Erskine and company refused reconciliation and the 1738 Assembly, while also attacking the Act of Anne, ordered the seceders to appear at the bar of the

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[79]Burleigh, Church History, 281; Watt, "Erskine," Wright, Fathers, 114; Grub, Ecclesiastical History, iv, 62-63; Patronage Report, 334; Moncreiff Wellwood, Erskine, 447.

[80]Patronage Report, 45, 90, 92, 275-278, 419; HMC, Report on the Manuscripts of the Right Honourable Lord Polwarth formerly preserved at Mertoun House, Berwickshire and now in the Scottish Record Office, Edinburgh, v, 89; Moncreiff Wellwood, Erskine, 7-8, 448; Brown, Letter to Chalmers, 8; Burleigh, Church History, 282.

following Assembly. This they did, but only to reject the supreme court's jurisdiction over them. Summoned again in 1740 to reconsider their resistance, they refused to appear and the General Assembly deposed these seceding ministers, by then eight in number and operating under their own sectarian auspices.[81]

Was patronage the cause of the Original Secession? A few have alleged that it was just one of a number of causes. They suggest that the popular party was at least as much disturbed by the general theological unsoundness and lax discipline of the establishment.[82] The early-nineteenth-century Moderate leader, the Reverend Professor George Cook of St. Andrew's, put the case that the Original Seceders separated not because of patronage, but because of their "contumacy"; secession, he said, was of the nature of man, and even if patronage had never been a problem there would have had to be secession sometime.[83] Other interpreters, while counting patronage the principal reason for the Original Secession,

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[81]Burleigh, Church History, 282; Patronage Report, 48-49, 92, 114; Clark, Rights of Members, 33; Moncreiff Wellwood, Erskine, 448-451; Grub, Ecclesiastical History, iv, 63-65; ECI, xxvi (May 1827), 355.

[82]Patronage Report, 29, 88, 158-159; for something of the theological concerns see Donald Beaton, "The 'Marrow of Modern Divinity' and the Marrow Controversy," RSCHS, i, 110-134, and Patronage Report, 261-262.

[83]Patronage Report, 329-331, 334.

have acknowledged the existence of other causes, too.[84] Yet others, while granting general theological and other concerns on the part of the seceders, including evils compounded by patronage, insist, nontheless, that the secession itself turned entirely on the system of clerical appointment. The weight of opinion is perhaps with this last school.[85]

Between passage of the Act of 1736 and the last attempt three or four years later to reconcile the seceders there had been "a more guarded and softened tone" in settlements;[86] in fact, General Assembly in a number of cases did not hesitate to give preference to the choice of the parish over that of the patron.[87] However, the period from about 1740 to about 1752, between the completion of the Original and the beginning of the Second Secession, was a time of trial and uncertainty. Patrons increasingly insisted on

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[84] Patronage Report, 138, 178, 256, 278, 419.

[85] Patronage Report, 39, 370, 374-385; Grub, Ecclesiastical History, iv, 65, drawing on John M'Kerrow, History of the Secession Church (1839), i, 126-136; Macaulay, Speeches and Poems, 489; Latourette, Revolutionary Age, i, 103; Watt, "Erskine," Wright, Fathers, 111; see also Patronage Report, 266.

[86] Moncreiff Wellwood, Erskine, 448-451.

[87] Patronage Report, 39, 91, 277; Mathieson, iv, 14-15; Moncreiff Wellwood, Erskine, 450-451, 457; Mathieson, ii, 273-274; Burleigh, Church History, 282; Clark, Rights of Members, 30-31; Rosalind Mitchison, Agricultural Sir John: The Life of Sir John Sinclair of Ulbster, 1754-1835 (1962), 272; Scott, Fasti, iv, 194.

their right to present and increasingly met success in their insistence.[88] Many parishes, however, refused to surrender the choice of clergy. In that decade or dozen years patrons prevailed in over half a hundred settlements only after disputes at times violent and resolved only by force of arms.[89]

The administration of the patronage of the Crown, the leading patron, illustrates the change that began in this period 1740-1752. As was to be the case for the rest of the century, the government favored the Moderate party, both in presentations and in the management of Assemblies. For the years 1742-1746 this was done through Dr. Robert Wallace, an Edinburgh minister and mathematician of European reputation. He, however, succeeded in effecting all settlements harmoniously by choosing presentees pleasing to the people.[90]

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[88]Grub, Ecclesiastical History, iv, 76; Burleigh, Church History, 282; Patronage Report, 355; Mathieson, iii, 147-148; Alexander Carlyle, Autobiography (Hill Burton, ed., 1910), 240-241.

[89]Patronage Report, Appendix, 39-155; [Nathaniel Morren], Annals of the General Assembly of the Church of Scotland, from the Final Secession in 1739, to The Origin of the Relief in 1752; with an Appendix of Biographical Sketches, Illustrative Documents, and Notes (1838), 344-370; Burleigh, Church History, 283; John Watson Craven, "Andrew Thomson (1779-1831), Leader of the Evangelical Revival in Scotland" (Ph.D. dissertation, University of Edinburgh, 1955), 11; see also Reid, Glasgow Divinity Professors, 264 and Patronage Report, 39, 243 and Appendix, 156.

[90]Moncreiff Wellwood, Erskine, 457; Mathieson, ii, 273-274; Scott, Fasti, i, 144; [Morren], Annals, vi.

His successor, Dr. Patrick Cumin, another Edinburgh minister and Regius Professor of Ecclesiastical History in the university, failed to maintain peace. Dr. Cumin, who seems to have dispensed the Crown's livings from 1746 to 1761, liked to have the patron's presentation accompanied by a call from the parish, but he held a call valid even if only signed by a few. Often he put through settlements, sometimes with the use of "riding committees," when the body of the parishioners were hostile.[91]

Around 1750, however, a group of young Moderates had begun to object to the use of riding committees, insisting that reluctant presbyteries be forced to do their own duty in inducting all lawful presentees. This faction ejoyed the able leadership of two ministers from the Presbytery of Haddington, William Robertson (later famous as the historian) and John Home (who later left the ministry because of his play writing). By 1752 they had carried their point. The day of a tighter discipline in matters of appointment had begun. When six ministers of the Presbytery of Dunfermline refused to obey the order of the Assembly of 1752 to induct an unwanted presentee into the parish of Inverkeithing the

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[91]Moncreiff Wellwood, Erskine, 457-458; 461-462; Scott, Fasti, i, 76; [Morren], Annals, v-vi; Pryde, New History, ii, 61-62, 119-120; Carlyle, Autobiography, 268-269.

supreme court deposed one of their number as an example to prevent further disobedience. For the young Moderates this action meant that at last "the authority of the Church was restored."[92]

The resister singled out for punishment, and subsequently leader of the Second Secession, was Thomas Gillespie, Minister of Carnock. A much-beloved divine of modesty, piety, and industry, he accepted the sentence with grace and strength. He immediately surrendered his benefice and began to preach in the fields of his former parish, in time establishing himself in a meeting house built by his followers for him in Dunfermline. In 1761 Gillespie joined with two other seceding ministers to form the Presbytery of Relief. However, he always maintained his love for the establishment and on his death bed urged his own congregation to return to the church, which they did. The Presbytery of Relief as a whole continued in secession. It took its name from the fact that it sought relief from the burden of patronage, the sole cause of its secession and the reason for much of its

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[92]Scott, Fasti, i, 231, 354, v, 10-12, 45; Carlyle, Autobiography, 255-259, 267-268; Mathieson, iv, 24; Moncreiff Wellwood, Erskine, 458-460; Grub, Ecclesiastical History, iv, 77-79; ECI, xxvi (May 1827), 355; Patronage Report, 34, 336; Mathieson, iii, 196; Dugald Stewart, "Account of the Life and Writings of William Robertson, D.D.," Collected Works of Dugald Stewart (Hamilton, ed., 1858), x, 109; Burleigh, Church History, 283-284.

future growth. Patronage was the reason also for much of the growth of the Original Secederes.[93]

Robertson and his friends did not immediately gain the leadership of the church, for Dr. Cumin and the older Moderates maintained their power for another decade. This older group held that a call--even if it were signed only by non-resident heritors--was necessary to settlement. They also appear not to have pressed cases where there was very strong parochial opposition to a presentee. In 1763 what can perhaps be called a decade of transition from the older to the newer Moderatism ended when Robertson secured for himself the powers of leadership. His firm belief that every presentation, if the presentee were qualified, ought to be enforced, became the practice of the church. Robertson brought to fruition what he had planted in 1751-1752, what Principal Burleigh has called "his Presbyterian constitutionalism which virtually substituted for a National Church a

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[93]Grub, Ecclesiastical History, iv, 78-79; Scott, Fasti, iv, 11-12; Burleigh, Church History, 284; Mathieson, iv, 46; Moncreiff Wellwood, Erskine, 460-461; Lord Sands, "The Historical Origins of the Religious Divisions in Scotland," RSCHS, iii, 90; Patronage Report, 29, 335; Macaulay, Speeches and Poems, 489-490; Latourette, Revolutionary Age, i, 103.

National Ecclesiastical Establishment.[94]

One of the most dramatic cases wherein the young moderates successfully maintained the exclusive rights of the patron occurred in Edinburgh 1762-1764. It is perhaps worth noting in some detail for it illustrates a number of aspects of patronage in the eighteenth century.

From about the period 1638-1649, and despite subsequent legislation, including the Act of Anne, ministers of the burgh churches of Edinburgh had been chosen by the Town Council and the General Session. The latter body consisted in 1762 of the sixteen ministers of the city and six elders and six deacons from each of the nine parishes. The lay members included various professional men, merchants, tradesmen, and even a nobleman. Choice of clergy had been made, it seems, from leets drawn by the particular session of the vacant parish. This general procedure of election by Town Council and General Session had been the practice in all

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[94]Moncreiff Wellwood, Erskine, 461-463; Mathieson, iv, 24; ECI, xxx (July 1831), 503; Sinclair, Analysis, ii, 47; John H. S. Burleigh, "The Scottish Reformation as Seen in 1660 and 1760," RSCHS, xiii, 256; ECI, xxvi (May 1827), 355; see also Steuart, Colinton, 242-243; Patronage Report, 95; HMC, Supplementary Report on the Manuscripts of His Grace the Duke of Hamilton (1932), 178-179; Frank Miller, ed., "Unpublished Topical Poem by Dr. Blacklock," SHR, iv, 204.

burghs where the town held the right of appointment.[95]

The government of Edinburgh in 1762 was under the domination of George Drummond of Abercairny, Lord Provost for six two-year terms between 1725 and 1764 and perhaps the greatest of the city's chief magistrates. In ecclesiastical affairs Drummond relied on the advice of his moderate son-in-law, Dr. John Jardine, Minister of the Tron and Dean of the Chapel Royal and (after 1763) of the Thistle and good friend of Robertson.[96]

In 1761 Drummond and his ruling faction determined to assert the corporation's exclusive right to exercise the patronage of the burgh churches without consulting parochial nominations or the General Session. On 1 December 1762, following this course, the Town Council presented the Reverend John Drysdale, Moderate, to the vacant charge of

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[95]A. J. Campbell, "The Burgh Churches of Scotland," RSCHS, iv, 194; A. Ian Dunlop, "The General Session: A Controversy of 1720," RSCHS, xiii, 232-234 (see the entire paper for the subject of the general session in Scottish ecclesiastical polity); Patronage Report, 420; Brown, Letter to Chalmers, 9-10; Carlyle, Autobiography, 470; Minutes of the General Kirk Sessions of Edinburgh at Their several Sederunts Held Anent the Town-Council of this City Their Giving a Presentation to supply the present Vacancy of A Minister, 1762-1763 (1763), 5-7, Edinburgh Patronage Case, i; Alexander Heron, The Rise and Progress of the Company of Merchants of the City of Edinburgh, 1681-1902 (1903), 108-110.

[96]Margaret Adams, "The Greatest of the Edinburgh Lord Provosts," The Scotsman, 28 March 1964; Scott, Fasti, i, 140-141; SRO, Moray of Abercairny Muniments, item 485; Carlyle, Autobiography, 289; SRO, Register of the Privy Seal, ix, 80-81, 140, 190, 423; Abercairny Muniments, item 483.

Lady Yester's Church. Two days later the General Session vehemently protested this violation of custom, with only four clergymen (including Jardine, Robertson, and Dr. Hugh Blair, Minister of the High Kirk and celebrated Professor of Rhetoric and Belles Lettres in Edinburgh University) and four elders dissenting. In the Town Council five of the twenty-eight members had voted against the new procedure of presentation and they appealed to the civil courts for redress, while ecclesiastical complainants appealed to the courts of the church. In February 1763 the Court of Session found for the Lord Provost and the majority of the Town Council, a decision confirmed by the House of Lords in March 1764. In May of that latter year the General Assembly ordered Drysdale's settlement and he was admitted in August.[97]

The case aroused tremendous interest. Many of the trades' incorporations joined their traditional rivals, the Merchant Company, against Drummond and the Town Council majority, taking the part of the General Session and the

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[97]Abercairny Muniments, items 483 and 485; S---y W--- [Alexander Wood, surgeon, Convener of the Trades" Deacons, actually not the author, but words put in his mouth], The C------r's Defence and Supplication to the Trades, 2 and The Citizen, i (1764), 16, both Edinburgh Patronage Case i; Walker and Others, Appellants, vs. Lord Provost, Magistrates, and Town-Council of Edinburgh, The Appellants' Case (1764), Edinburgh Patronage Case, ii; Campbell, RSCHS, iv, 194.

desirability of their voice in the choice of clergy.[98] The public at large seems to have been of this mind too. There survive a number of pamphlets, poems, and colorful cartoons, most of them directed against the Lord Provost, the Town Council, and the Moderate leaders. One poem refers to "The P----st, who dances, you know, to the whistle / of that arch politician, The D--n of the Thi--le...."[99] Another humorous piece denominates the various Moderate ministers as "Speakmore, professor of eloquence" (Blair), "Dr Thistledean-fraud," "Dr Flimsy," "Brazenface," and the like.[100] One pamphleteer puts strong threats against the Provost and his friends into the mouths of sundry members of the mob:

> 2d Baker of Pyes, I'll make minced meat of them.
> 1st whore, I'll leave not a standing man of them.
> 2d whore, I'll make them run.
> Paunch-wife [tripe-seller], I'll towzel their harrigals [ruffle their viscera; perhaps, disembowel them].
> Keeper of a gaming house, Damn their hearts.
> Fireman, Extinguish them.
> 1st Gardener, Root them out.[101]

Some of the language is of a variety only now again reaching

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[98] Heron, Merchant Company, 108-110.

[99] The C------r's Defence, 2, Edinburgh Patronage Case, i.

[100] Edinburgh Patronage Case.

[101] The Voice of the Mob; or A True State of the Case (1763), 4-6, Edinburgh Patronage Case, i.

print.[102] The graphic art, too, played its part. One print of James Duff, watercolored by hand and entitled "The going out in the morning or presenting alamode December 1762,"[103] shows the Provost, Town Clerk, Dean and another minister in a carriage, saying such things as "They are a factious people," drawn in their carriage by the Town Council majority, with the minority looking on; the carriage wheels are running over "The Claim of Right" and "Acts of Council"; Jennie Geddes is in the background throwing her stool at the unpopular dean of her era.

On another level the Reverend Dr. Alexander ("Jupiter") Carlyle, Robertson's ally, wrote anonymously a pamphlet defending his party's action, and so powerful a pamphlet was it, at least according to its author, that the opposition had to employ its best hand, the Reverend Dr. Robert Dick, Evangelical Minister of Trinity Church, to reply.[104] The whole affair did nothing for the popularity of the city's rulers. Poor Drummond, not surprisingly for a

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[102]See for example The C------r's Defence, 1, Edinburgh Patronage Case, i.

[103]In Edinburgh Patronage Case, iii.

[104]Carlyle, Autobiography, 470; [Robert Dick], The True State of the Case betwixt the Majority of the Town-Council, on the one hand, and The General-Sessions, the Merchant-Company, almost all the Corporations, and several Members of the said Council, on the other: In a Letter to a Friend (1763), Edinburgh Patronage Case, ii.

man almost eighty years of age, was soon vexed and tired of the whole matter.[105] Although he left office in 1764 and died in November of that year, yet he had established the exclusive right of the corporation to present to the burgh livings without reference to the General Session. A similar case occurred in Glasgow at the same time and with the same result, if not so much noise. When thereafter new churches were erected in the various burghs, the town councils had their position as patron carefully stated in the decreets of erection. General sessions were almost never heard of again.[106]

Very much heard of again, indeed dominant in the Church of Scotland for a generation following this Edinburgh patronage case, was one of the four ministers who dissented from the General Session's protest in that case, Dr. William Robertson. From about 1763 he was the undisputed leader of the Moderate party and thus of the church, and his reign marked a complete victory for the strictest construction and enforcement of the Act of Anne. Minister of Old Greyfriars, Edinburgh, Principal of the University, Chaplain to His Majesty, and an Historiographer-Royal whose celebrity was widespread and lasting, Robertson rose to power as the result

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[105]SRO, Abercairny Muniments, item 483.

[106]Campbell, RSCHS, iv, 194; Dunlop, RSCHS, xiii, 237.

of his respected character, eloquent expression, good temper, and sagacious management of men. Hume Brown has called him "the brightest ornament" of Moderatism.[107]

As William Law Mathieson writes, "Principal Robertson...had won his way to power as a resolute upholder of patronage." Cautiously, however, he adhered to old forms, gaining his way by substituting "concurrence" for "call"; the people almost could be presumed to concur if there were no evidence of the presentee's unfitness on grounds of life or doctrine. There was no significance seen in how many signatures attested a parish's consent, and some settlements seem to have proceeded without any subscriptions at all.[108] By rigidly enforcing the rights of patrons Robertson aimed, remarks one modern commentator, "to crush the popular spirit" of presbyterianism;[109] his success, writes another, "almost succeeded...in strangling" the

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[107]Moncreiff Wellwood, Erskine, 462; Scott, Fasti, i, 41-42; Ronald L. Meek, "The Scottish Contribution to Marxist Sociology," John Saville, ed., Democracy and the Labour Movement: Essays in honour of Dona Torr (1954), 85-86; Carlyle, Autobiography, 302; Thomas Davidson, "An Account of the Author," John Erskine, Theological Dissertations (2nd. edn., 1808), xvi; P. Hume Brown, "Scotland in the Eighteenth Century," SHR, vi; Burleigh, Church History, 298-299.

[108]Mathieson, iv, 24; Moncreiff Wellwood, Erskine, 463-464; Patronage Report, 53, 94-95; 336; ECI, xxx (January 1831), 47.

[109]Craig, Scottish Literature, 69.

church's "popular life."[110]

Principal Robertson's management displayed great ability. He freed his party from dependence on any great magnate, and his talents for business earned the respect of every London administration; the Crown treated with him as with an institution of consequence and warmly supported his régime in Edinburgh. Part of his success is due to his choice of an industrious and effective assistant, Dr. Drysdale, the presentee in the Edinburgh patronage case of 1762-1764, whose wife was Robertson's cousin-german; Drysdale's position was consolidated in 1778 when he became Principal Clerk of Assembly. This "principal coadjutor," as Sir Henry Moncreiff Wellwood dubbed Drysdale, assisted the leader during each year in the conduct of the kirk's business. In meetings of the Assembly Robertson enjoyed yet another strong ally, Henry Dundas of Arniston, later Viscount Melville, who as Solicitor-General from 1766 to 1775 and often afterwards as Lord Advocate, sat in the house as a ruling elder and proved the ablest friend of the strict enforcement of patronage. As Principal of Edinburgh University Robertson himself sat in the Assembly every year, and whenever their turns came by rotation he could count on additional valuable support from talented clerical friends such as

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[110]Mathieson, iv, 12-13.

Drs. Carlyle and Jardine.[111]

Robertson's rigid administration of patronage was the principal point on which the opposition attacked him. Here he made his stand and here the Evangelicals determined to do battle with him, carrying the contest through many cases and Assemblies. Although there were few within the establishment anymore to claim jus divinum for the people to elect their pastors, yet many took grave exception to Robertson's reduction of the call to a mere form or less. Led by capable and distinguished divines like Dr. Dick and Dr. John Erskine of Carnock, collegiate Minister of Old Greyfriars, Edinburgh, and by ruling elders of the first quality like Andrew Crosbie, the advocate, the Evangelicals constituted a potent opposition and the parties were not so unbalanced in strength as the Principal's successes might indicate.[112]

Much of the opposition to Robertson's régime took the form of protests and appeals in many cases of the settlement of unpopular presentees. Litigation was often so protracted that some parishes remained vacant for upwards of a decade, alienating the folk from the kirk. Many disputed settlements took place only with the assistance of the military.

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[111]Moncreiff Wellwood, Erskine, 462; Carlyle, Autobiography, 265, 303-304, 452, 492; Scott, Fasti, i, 141.

[112]Mathieson, iv, 75; Moncreiff Wellwood, Erskine, 463, 465; Scott, Fasti, i, 47.

Although Adam Smith, probably not without some justice, could blame neighboring Evangelical clergy for stirring up vacant parishes against presentees, the fact remains that much of the populace violently opposed the Moderate leader's strict enforcement of patronage.[113]

Before he retired from the management of the kirk in 1781, however, Robertson had been able to reduce the number of disputed settlements to very few. This he achieved by never offending the feelings of the people if he could avoid such a course, but above all, by persisting in the unbending enforcement of his policy of putting in every qualified presentee, whatever the parochial reception. By and large the people saw the futility of the effort and expense of appealing to the courts or indeed of making any protest. They either submitted tamely, ceased church attendance, or seceded.[114]

Robertson's opponents pointed particularly to the

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[113]Moncreiff Wellwood, Erskine, 461, 465-466; Patronage Report, 40, 53, 95, and Appendix, 148-155; Smith, Wealth of Nations, ii, 294; Scott, Fasti, iii, 278. Perhaps the most renowned case of violent settlement was that in the parish of Shotts, Presbytery of Hamilton, 1762-1768, where the settlement took place at the order of the Assembly over the opposition of people and presbytery; the folk deserted the establishment for the Secession and for years the church was empty on Sundays but for the minister, the precentor, the session clerk, and the beadle.

[114]Moncreiff Wellwood, Erskine, 465-466; Patronage Report, 191, 252, and Appendix, 156; SHR, ii, 452.

last, it being estimated that there were 100,000 Seceders in 120 meeting houses by 1766. Faced with a proposal that the Assembly of 1765 inquire of presbyteries as to the cause of schism, the proposers expecting that this would lead to a fresh application to London for the abolition of patronage, the Principal adroitly did not oppose the motion. Instead he had "a large committee appointed, who," as Carlyle facetiously wrote, "strange to tell, in spite of all their zeal, met only once, and did nothing...."[115] The Evangelicals proposed another committee of inquiry to the following Assembly, but Robertson, assisted by Jardine (who collapsed during the debate and died), got the motion defeated.[116]

The last attempt of this nature against the Moderates' administration of patronage occurred in 1768-1769. The opposition succeeded in getting an investigating committee appointed by the Assembly of 1768, taking advantage of the absence of the Historiographer-Royal, who was in London arranging publication of his Charles V and who had left Dundas to manage the meeting. The committee sent to every presbytery copies of an anti-patronage pamphlet by Andrew Crosbie and asked those courts to consult with heritors and provosts

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[115]Burleigh, Church History, 284; Carlyle, Autobiography, 487-488; Moncreiff Wellwood, Erskine, 468.

[116]Carlyle, Autobiography, 489-491; Burleigh, Church History, 284-285; Mathieson, iii, 179-180.

on the question of schism and patronage. Though it seems none replied to the committee's inquiries, yet the committee appears to have reported that the intrustion of ministers caused secession. Robertson got the Assembly of 1769 to bring the committee to an end and the subject was not again broached during his reign.[117]

As has been suggested, Robertson's relations with the Crown account for much of his success. Where his predecessors in the leadership "had been," as Mathieson puts it, "little more than the henchmen of political chiefs," he not only maintained his independence, but also persuaded every government that their best interests lay in supporting his régime. Above all this meant that the Principal was the chief channel through which flowed the ecclesiastical patronage of the Crown.[118]

On the Crown's side there was a succession of Scottish managers, the great one just before Robertson's time having been the third Duke of Argyll, although some influence in the gifting of church livings was also exercised during Argyll's administration by Hugh, Earl of Marchmont

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[117]Mathieson, iii, 179-180; Moncreiff Wellwood, Erskine, 468; Patronage Report, 90-91, 177, 210; Carlyle, Autobiography, 519-520.

[118]Mathieson, iv, 108-109; Moncreiff Wellwood, Erskine, 464; see also Stewart, "Robertson," Collected Works, x, 222.

and his twin, Alexander Hume Campbell, M.P.[119] In 1761 Argyll died and until 1765 his nephew, the third Earl of Bute, wielded the power, both in and out of office. Although some noblemen were able at times to obtain Crown presentations, for the most part Bute's administration worked through Robertson.[120] From 1766 to 1775 there really was no Scottish manager in the larger sense, the affairs of the northern kingdom resting almost entirely with the Lord Advocate, James Montgomery of Stanhope, and Dundas, the Solicitor-General. Then in 1775 the latter, Robertson's staunch ally, became Lord Advocate and began his career as what Professor George S. Pryde has called "the classic example of Scottish 'manager.'" Dundas, later first Viscount Melville, ruled Scotland as proconsul until his fall in 1805. Devoted to the kirk and popular with the people, this first of the friends and colleagues of Pitt worked well with Robertson and his successors, conferring livings for Tory soundness, to be sure, but not limiting the Crown patronage entirely to Moderates. Among other things, he increased the number of royal chaplaincies, to the pleasure of the church, and the top clergymen came almost to expect some royal sinecure to

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[119] HMC, Polwarth MSS., v, 316-320; see also J. D. Mackie, introduction to same, p. xxxiii.

[120] Pryde, New History, ii, 119-120; Carlyle, Autobiography, 433-435, 489; SHR, iv, 205; Scott, Fasti, vii, 540-541.

supplement their stipend.[121]

Principal Robertson retired from the leadership of the Moderate party and the church in 1780, feeling the pressures of the position and wanting to devote more time to writing history. He had accomplished, writes Principal Burleigh, his "self-imposed task" of bringing "the Church to the tranquility of order consonant with the times," enabling future generations to enjoy a workable presbyterian polity, even if the price were schism. He retired practically at the zenith of his powers, and any successor was likely to look of less stature in his shadow. The next leader was the Reverend George Hill, Professor of Greek at St. Andrew's and later Principal of St. Mary's, one of the best theological professors in Scots history. Hill was a close friend of Dundas and rose swiftly in the cursus of the Scottish hierarchy. Although not as independent as his predecessor, he maintained his position for thirty years. He was handicapped, however, by not being resident in the capital. In many respects therefore the real source of power, especially after 1790, was James Finlayson, minister of various Edinburgh churches and Professor of Logic in the university,

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[121]Pryde, New History, ii, 119-120; Mathieson, iv, 12, 103n, 109-110, 128; David Masson, Memories of Two Cities, Edinburgh and Aberdeen (1911), 149; SHR, xiv, 178; HMC, Report on the Laing Manuscripts Preserved in the University of Edinburgh (1914, 1925), ii, 679-680.

who advised the Dundases (Robert Dundas of Arniston, son of Henry and later second Viscount Melville, was his father's lieutenant in Scots affairs) on ecclesiastical matters. Hill's great ability was in his oratory, and his victories in the Assembly, writes Mathieson, "were usually prefaced by much subterranean activity on the part of this astute engineer," Finlayson. Together they managed the kirk and patronage in much the same manner as the previous régime.[122]

Hill and Finlayson were, however, not the only leaders of influence in the dispensing of patronage after Robertson's retirement. The Crown often sought advice from Alexander Carlyle, who had long enjoyed influence and who was Almoner to the king; some of the noble patrons also made use of his counsel. (Carlyle promoted the interests of a number of young men and when he could not get them livings in Scotland he was not averse to sending them to the Church of England for ordination, being a good friend of the Bishop of London.) For vacancies in the West the Crown frequently consulted Dr. William Porteous, Minister of the Wynd, Glasgow, and a leader of the clergy of that region. The

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[122]Burleigh, Church History, 305-307; Mathieson, iv, 78, 100-107; Scott, Fasti, vii, 422-423 and i, 61; Masson, Two Cities, 80; Reid, Glasgow Divinity Professors, 311; Moncreiff Wellwood, Erskine, 464; Henry Cockburn, Memorials of His Time (1856), 21, 231-232.

city fathers of Edinburgh, after Robertson's retiral, though they sometimes still sought his advice, more often turned to Hugh Blair in choice of their ministers and professors.[123]

With the retirement of Robertson the opponents of his patronage policy saw a new chance for action. In the Assembly of 1781 three synods sent up overtures touching patronage, the strongest asking for it to be enacted that a call was necessary to settlement and required the subscription of a majority of heritors, elders, and communicants. All three were dismissed. The next year, the subject having been kept alive by shortlived anti-patronage societies in Edinburgh, Glasgow, and Falkirk, there were more overtures to General Assembly. A combination of the Evangelicals and the more conciliatory Moderates secured passage of an act declaring "that the moderation of a call in settling ministers is agreeable to the immemorial practice of the church, and ought to be continued." This Act of 1782 meant little, however, for it neither defined the call nor really made it imperative. In this same year the Reverend Thomas Hardy, highly esteemed Moderate (and soon to become Regius Professor of Ecclesiastical History in Edinburgh University), suggested a compromise in a pamphlet on patronage. He recognized the

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[123]Carlyle, Autobiography, 305, 415, 449, 471 and J. H. Burton in same, 565-568; Mathieson, iv, 80; Scott, Fasti, iii, 443.

system's evils and unpopularity and proposed that the kirk apply to Parliament for repeal of the Act of Anne, substituting a system of choice by the patron joined with a delegate from the heritors and one from the session. The anti-patronage forces, however, expressing themselves in overtures to the Assembly of 1783, wanted restoration of the system of 1690; the overtures were dismissed by a majority of only nine.[124]

The Evangelical opposition, receiving fresh encouragement, renewed its attack. John Love, an assistant minister at Greenock (later a founder and secretary of the London Missionary Society), and John Colquhoun, Minister of St. John's Chapel of Ease, South Leith (later a director of the anti-patronage society of the late 1820's), each contributed pamphlets following the Assembly of 1783, castigating the law of patronage as unscriptural. Two synods sent overtures up to the Assembly of 1784 urging efforts to repeal the Act of Anne. The supreme court, fully under the control of the Moderate leadership, adopted the proposal of another

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[124]Cunningham, Church History, ii, 392-395; Mathieson, iii, 180-181; Clark, Rights of Members, 56-57; RDPS, Account of the Proceedings of the Third Annual Meeting of the Society for Improving the System of Church Patronage in Scotland by Purchasing Up Rights of Patronage, and Settling Them on the Heads of Families in Communion with the Church, Instituted December 28, 1824 (1829) (hereafter PAMPS), 5; Patronage Report, 60-61, 259-260; Scott, Fasti, i, 147.

overture that declared that the law of patronage was desirable and ought to be continued. At the same time the Assembly, to be consistent in its embrace of patronage, did not renew the annual instruction to its Commission, given since 1736, to seek the repeal of the Act of Anne at the first favorable opportunity. Robertson had never bothered about this injunction, realizing it to be a dead letter and not wanting needlessly to outrage the populace. However, his successors, and especially Carlyle, feeling their triumph, desired to remove this reminder of a time when the kirk had abhorred the institution of patronage. The opponents of the institution, through majorities in the Synod of Perth and Stirling and in two presbyteries, overtured General Assembly on patronage for the last time the following year, 1785. They were repelled, both in the overtures and in an attempt to restore the instruction to the Commission, by a large majority, and that court was not again to hear directly of the subject until 1825.[125]

In 1788, bothered by violent opposition to a presentee at Ardrossan, Presbytery of Irvine, and by the advertisement of the patronage of St. Ninians, Presbytery of Stirling,

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[125] ECI, xxvii (February 1828), 114, xxvi (December 1827), 818-819, xxv (March 1826), 155; Scott, Fasti, iii, 389, i, 158; Cunningham, Church History, ii, 395; Carlyle, Autobiography, 492-493; Patronage Report, 29, 92, 335; Mathieson, iii, 181, iv, 75; Moncreiff Wellwood, Erskine, 466-467; Burleigh, Church History, 285.

for sale during vacancy, and encouraged by the action in 1784 of Campbell of Shawfield gifting the patronage of Rutherglen, Presbytery of Glasgow, to the parish, the anti-patronage forces made one last, if feeble, attempt to secure repeal of the Act of Anne: A few petitions with that prayer were sent to Parliament.[126]

The vote of the Assembly of 1784, and if not that, certainly the one of the following Assembly, brought to an end open opposition to patronage. Realizing the hopelessness of appeal and protest the Evangelicals resigned themselves to the permanence of the institution and its rigid enforcement. Nor was the resignation bred of weariness alone, for the Evangelicals were somewhat influenced by their English brethren--Wesley, Whitefield, and Rowland Hill--who saw no attraction in disputes over ecclesiastical polity. John Newton, another English evangelical, when asked his view, replied that if patronage were wrong it should be left to God to correct it, His earthly followers having already enough to engage their efforts. The Scottish

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[126]Scott, Fasti, iii, 79; Robert Small, History of the Congregations of the United Presbyterian Church from 1733 to 1900 (1904) (hereafter Small, U. P. Church), ii, 307; Cunningham, Church History, 396; Debate anent Calls 1832, 86-87; ECI, xxviii (August 1829), 544-549, xxx (January 1831), 43-49; petitions to Parliament against church patronage from Glasgow and Fenwick, reprinted in a periodical the identity of which cannot be determined, in New College Library, University of Edinburgh; see also, Lehmann, Millar, 75.

Evangelicals readily dropped patronage as a matter of complaint and concentrated their endeavors on missionary work in the urban parishes, in the remote places of Scotland, and in foreign fields. Resigned to the enforcement of the Act of Anne, they coexisted in harmony with their Moderate brethren; certainly after 1788 the vast majority of the clergy supported patronage.[127]

As has been suggested, by the end of Robertson's reign the folk by and large ceased to oppose unwanted settlements. Few cases of contests came before the courts of the church in the late eighteenth and early nineteenth centuries; what few appeals ever reached the supreme court were resolutely rejected. Not only did the hopelessness of attempting to assert a rôle in the ecclesiastical sphere discourage such effort on the part of the active populace, but the appeal of wider politics pulled their interests away from church patronage. Following the outbreak of the French Revolution some of the common people of Scotland found political radicalism attractive, even preferring the brand of Paine to that of Fox. Although the severe reaction to such radicalism and the engagement of the country in the Napoleonic Wars restricted the political activity of the

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[127]Mathieson, iv, 26, 50, 75-76, 288; ECI, xxiv (December 1825), 835, xxx (January 1831), 48; Patronage Report, 336-337.

folk, when war was over it again broke forth, raising the call for Parliamentary reform. Patronage reform attracted no interest and indeed the only ecclesiastical reaction of a number of the politically-minded populace seems to have been the castigation of the established clergy as hirelings of the unreformed government.[128]

Writing in 1818 Sir Henry Moncreiff Wellwood, leader of the Evangelical party, could not too strongly emphasize the permanent establishment of patronage and the uselessness of all opposition to it. Clergy, laity, and government, he wrote, had all overwhelmingly accepted the institution, and although its shortcomings were not to be denied, to attempt change or abolition was to contribute nothing but unwanted irritation and disorder.[129]

The prevailing climate of the kirk during this era of

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[128]ECI, xxvi (May 1827), 355; Patronage Report, 50, 201, 337; Mathieson, iv, 9-10; Proceedings of a Meeting of the Inhabitants of Kirkcaldy, and Its Vicinity, for a Reform in Parliament, Held in the Burgher Meeting-House, Linktown, On Thursday, 5th December, 1816 (1816); Account of the Proceedings of the Public Meeting of the Inhabitants of the Town of Kilmarnock, Held on the 7th of December, 1816, for the Purpose of Deliberating on the Most Proper Method of Remedying the Present Distresses of the Country with A Full Report of the Speeches on that Occasion (1816); Report of the Meeting Held in the Relief Church, Kilbarchan, on Saturday, 21st Dec. 1816, To Consider the Distress of the Country, and the Propriety of Petitioning the Prince Regent and the Legislature for Reform (1817).

[129]Moncreiff Wellwood, Erskine, 455, 466, 469, 473; Mathieson, iv, 288.

resignation to patronage was Moderatism. According to the opponents of patronage Moderatism was an undesirable way of ecclesiastical life bred by patronage, by the régime of clerics presented by the Crown and private patrons. Moderatism, offspring of the Enlightenment and first cousin of English latitudinarianism, preferred reason to revelation, intellect to enthusiasm, and manners to missions. Liberal and humane, though not democratic, it sought to better mankind through the mind rather than the soul. Moderatism made a substantial contribution to the life of the nation, and, as Dr. H. R. McKnight observes, during its epoch "Scotland contended for the intellectual leadership of Europe." Adam Smith, Robertson, Blair, Thomas Reid, Adam Ferguson, all owed their ecclesiastical or professorial livings to patronage.[130]

As Principal Burleigh writes, "the contribution of the Moderates was to the intellectual and cultural development of Scotland rather than to its evangelization." This not unnaturally was just the objection of those Evangelicals who opposed patronage. There was, they said, laxity in doctrine, even a suggestion to dispense with the Westminster

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[130]Burleigh, Church History, part II, chapter IV; Mathieson, iv, 12, 49, 266; P. Hume Brown, History of Scotland, iii (1911), 289; Latourette, Revolutionary Age, i, 62; H. R. McKnight, "The Scottish School of Sociology" (Ph.D. dissertation, University of North Carolina, 1963), 1.

Confession. Flocks, fed a diet of manners, hungered for the marrow of the Gospel. Pastoral visitation also suffered, for Moderate ministers it was charged, knew the hospitable houses of their heritors far better than the humble cottages of their common folk. Nor could the intellectual glory of Moderatism atone for the increase in secession that its defense of patronage caused, any more than it could atone for the increasing irreligion of the age.[131]

The fresh stream that was Moderatism in its best days began on entering the new century to turn muddy and sluggish. The system of patronage had been intended to produce an independent and enlightened clergy. Now, however, it often seemed to be providing the church with ambitious ex-tutors who were more concerned with politics and personal position than with pastoral work. The Moderate leadership, although it still commanded majorities in General Assembly, lacked the lustre of the generation of Robertson. Due in part to reaction against the anti-religious spirit of the French Revolution, a reaction that had bred suspicion of religious liberalism, Moderatism as an ecclesiastical way of life fell from much of its former favor. Its loss was Evangelicalism's gain. Men turned to the antithesis of Moderatism, to

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[131] Patronage Report, 45-46; Burleigh, Church History, 303-305; John MacInnes, The Evangelical Movement in the Highlands of Scotland, 1688 to 1800 (1951), 108, 113, 161; SHR, ix, 186.

the school of thought and party of practice that emphasized the importance of human depravity and divine redemption.[132]

Three currents, two British and one Scottish, contributed to the revival of Evangelicalism that in turn produced a revival of interest in the improvement and, eventually, the abolition of patronage. Perhaps the least of these currents, but certainly an intriguing one, was utilitarianism or Benthamism. This was an influence pointed out by Professor A. V. Dicey, who saw the principle of individualism as the basis of both utilitarianism and the revival of evangelical religion, despite their development of this principle "in widely different spheres." Although the application of his theory to the Scottish experience requires care and probably qualification, yet one thinks at first blush of a number of points that could support the case. The language of the Scottish Evangelicals, for example, is replete with references to utility; many a man and scheme are judged by this measure, and if spiritual good is the desired end it is often obscured by the emphasis on the usefulness of the means. Or looking at evangelical enterprise--and what better than Dr. Chalmers' model parish in Glasgow--

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[132]Mathieson, iv, 57-58, 74-75; 100ff; SHR, xiv, 281; Latourette, Revolutionary Age, i, 183; Henry Cockburn, Memorials of His Time (1856), 237-238.

one sees both utility and individualism much to the fore.[133]

The second current was the revival of evangelicalism in England, which preceded the revival in Scotland. News of evangelical renewal in England readily reached Scottish centers and such English evangelicals as Wesley, Whitefield, Rowland Hill, and Simeon all visited and preached north of the Tweed. Although these English leaders cared little for matters of polity and drew to their individual movements little Scottish support, yet their work helped swell the rising tide of the general movement in Scotland.[134]

The third current, the dominant one, was the contemporary resurgence of the old Scottish Calvinist evangelical tradition. This was one of the two general schools or parties into which the Scottish church has divided since the Reformation. Although labels change, almost always one can recognize the same two basic groups present, with one or the other predominant. In the eighteenth and early nineteenth centuries these two general divisions took the form of

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[133]A. V. Dicey, Lectures on the Relation Between Law & Public Opinion in England during the Nineteenth Century (1914), 399-409; Laurence Saunders, Scottish Democracy, 1815-1840: The Social and Intellectual Background (1950), 93.

[134]Burleigh, Church History, 309-310; Mathieson, iv, 276-277.

Moderatism and Evangelicalism.[135] The Evangelicals, as has been seen, were very much a part of the eighteenth-century picture, and if, as Principal Burleigh writes, they were

> strangely impotent in the General Assembly, they were highly esteemed and beloved by the people, partly because they defended the interests of congregations in the calling of ministers, but also because of their pastoral zeal.[136]

It was, however, a far stronger Evangelicalism that put its stamp on the post-Napoleonic period in Scotland. Perhaps the best way to consider this Zeitgeist is to consider its able agent, Andrew Thomson, the leader of the Evangelicals and the principal protagonist of patronage reform. A man of immense energy, Thomson personified and proclaimed an Evangelicalism that was informed, efficient, and militant, and that sought its strength in the Scriptures and in the heritage of the Reformation. Important in this latter aspect especially is the work of Thomson's Seceder friend, the historian Thomas M'Crie, who in celebrated works of 1811 and 1819 restored Knox and Melville to places of prominence in the Scottish pantheon. Thomson's own literary

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[135] I am indebted for this interpretation to the Reverend A. Ian Dunlop, B.D. For the origins of Moderatism see his William Carstares and The Kirk by Law Established (1967), 146.

[136] Burleigh, Church History, 310; Mathieson, iv, 276-277; Our National Church: What Is the Popular Party to Do? (1833), 6-7.

endeavor, the Edinburgh Christian Instructor, begun in 1810, contributed substantially to the evangelical revival as later to the agitation of the patronage question.[137] In General Assembly Thomson

> did what neither Erskine nor Moncreiff attempted to do, he formed a party to face the moderate ranks, and gathered and marshalled the younger men in the Church who were willing to fight for the spiritual independence and Christian rights inside the Establishment.[138]

This concern for "spiritual independence and Christian rights" came, as shall be seen, to center largely on the question of patronage. Although there had been no mention of patronage in General Assembly since 1785 and indeed little potent opposition at all since the success of Robertson's régime, the matter was not utterly dormant. It was raised once in a great while by the occurrence of violent settlements, a half-dozen or so of which took place in the first two decades of the nineteenth century.[139] Then too, the airing of the allied question of pluralism, particularly in the Assembly of 1824, added to the revival of

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[137]Mathieson, iv, 276-277, 288; Craven, Thomson, 15-16; Burleigh, Church History, 313.

[138]C. G. McCrie, The Church of Scotland, Her Divisions and Her Reunions (1901), 110, quoted in Craven, "Thomson," 108.

[139]Patronage Report, 50, 296-297, Appendix, 84-86, 92-93, 122-136, 142-144; ECI, xxv (November 1826), 766.

interest in patronage reform.[140]

Considering the pattern of the Scottish ecclesiastical past it is hardly surprising that in time a renewal of Evangelicalism should result in the reappearance of opposition to patronage.[141] At the end of 1824, under Thomson's lead, this desire for reform resulted in the establishment of the patronage society. It was this organization that became the focus of action that led from efforts to improve and then to abolish patronage, to conflict between church and state, and in turn to the Disruption.

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[140]William Hanna, Memoirs of the Life and Writings of Thomas Chalmers, D.D., LL.D. (1849-1852), iii, 16-20; Reid, Glasgow Divinity Professors, 303.

[141]See for example [James Bridges], An Appeal to All Classes on the Subject of Church Patronage in Scotland (1824), 11, 18.

CHAPTER II

THE STATE OF PATRONAGE IN 1824

Patronage was an institution of some complexity and its state in 1824, on the eve of the campaign for its reform, warrants examination. This chapter attempts to define the procedures of appointment, to describe the condition of the livings, to distinguish (in comparison with the statistics of other times) the types of patrons and the extent of their patronage, and to discover the manner in which they exercised their power of presentation.

The patron initiated the procedure of appointment by giving a written presentation of his choice to the presbytery. Although there were about forty presentations made each year, there were no specific regulations for procedure. The various presbyteries evolved, within general lines, their own usages. Mostly presbyteries sustained presentations when they were accompanied by all the other requisite documents: the presentee's letter of acceptance, an extract of his license, and proof of his having taken the necessary

oaths.[1]

The parochial ministers of Scotland enjoyed two rights, the ecclesiastical one of serving the cure of souls and the civil one of possessing the living, and the procedure of appointment was the means of admission to both. Therefore to be valid the patron's presentation had to be in favor of someone whom the church could judge qualified for the spiritual office. It was thus in accepting or refusing the presentation that the presbytery exercised its prerogative of spiritual oversight in the appointment of ministers.[2]

What constituted qualification was determined by the presbytery within general lines laid down by the General Assembly. An act of Assembly of 1813, approved by the presbyteries, enumerated the educational requirements of prospective clergy. The student had first either to obtain the degree of Master of Arts or to prove that "he had gone through a full course of philosophy in some winter sessions

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[1]Patronage Report, 40-41, 102; A Report of the Proceedings of the General Assembly of the Church of Scotland, 24th May 1825, Relative to the Presentation of the Rev. Thos. Nelson, to the Parish of Little Dunkeld (1825, Andrew Thomson's copy with his ms. corrections, New College Library, Edinburgh) (hereafter Little Dunkeld Debate), 52; SRO, Record of the Presbytery of Edinburgh (hereafter Edinburgh Presbytery), xix (21 March 1822--24 April 1833) and xx (27 April 1833--27 December 1837).

[2]Dunlop, Parochial Law, 185; Little Dunkeld Debate, 15, 20.

of college" in a Scottish or "other respectable" university.[3] He had next to enroll in the divinity course at one of the Scottish universities for six annual sessions. However, this did not mean that he had to do more than enroll and perhaps attend one lecture. It was therefore provided that by giving "regular attendance" during three sessions he could complete the requirement in four altogether, or with two of "regular attendance" in a total of five.[4]

Coming to the study of divinity with preparation in Greek, Latin, and moral and natural philosophy, the ministerial student added a knowledge of Calvinist theology, and preferably also of ecclesiastical history and Hebrew. All students had during their sessions of theological study to satisfy their Professor of Divinity of their proficiency in that discipline. This was achieved by delivering five discourses for the professor's judgment, which if favorable the professor so certified to the student's presbytery.[5]

The theological professors also certified to the presbytery the moral character of the student. His piety

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[3]Patronage Report, 18, 148; Stewart Mechie, "Education for the Ministry in Scotland Since the Reformation, I," RSCHS, xiv, 127.

[4]Mechie, RSCHS, xiv, 127-130; Dunlop, Parochial Law, 257-258. The student did not have to enroll for all the sessions at the same university.

[5]Patronage Report, 147-148; Mechie, RSCHS, xiv, 124-125, 128-130; University Report 1831, 153.

was further tested by requiring a testimonial from his parish minister and by giving all members of the synod to which his supervising presbytery belonged ample opportunity to raise objection to his spiritual fitness. Satisfied of his piety, the presbytery next moved, prior to license, to try his learning. The trials for license, which could not be undertaken before the age of twenty-one, were much the same as the discourses delivered in the divinity hall. The presbytery, however, set its own topics and added exercises in church history, Greek, and Hebrew. Taking from perhaps six months to two years to complete, these trials for license were the most stringent part of the procedure of qualification before the presbytery. With large numbers of young men seeking preferment, that court could, if it liked, make the barrier a formidable one. Prior to licensing, the candidate answered standard questions on his faith and swore his adherence to the doctrine and discipline of the church. Licensing made the young man a probationer, enabling him to preach (although not to administer the sacraments), to serve as an assistant, and to await preferment. Patrons could choose only probationers of the Church of Scotland for their livings. Upon presentation the presbytery could require

another course of trials prior to ordination.[6]

Besides an extract of the presentee's license, or, if already ordained, of his ordination, the presbytery needed, in order to proceed on the presentation, a certificate from the civil authorities that the candidate had taken the anti-Jacobite oaths of allegiance and abjuration. The law actually required this in order for an aspirant to be licensed, but in practice it was sufficient if the certificate were only produced upon presentation.[7]

If, within six months of a vacancy occurring, the patron had not lodged a presentation with the presbytery, that court for the time exercised the right of appointment to the living. This was an absolute provision, brooking no delay in the calculation of the six months. Although in the early years of the Act of Anne presbyteries often acted under this provision, there had been very few such instances in the late-eighteenth and early-nineteenth centuries.[8]

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[6]Mechie, RSCHS, xiv, 124-125, 130-132; Patronage Report, 134-135, 148, 151-152; H. C. Whitley, Blinded Eagle: An Introduction to the Life and Teaching of Edward Irving (1955) (hereafter Whitley, Irving), 12-13; Dunlop, Parochial Law, 255-256, 258-263; Mathieson, iv, 85.

[7]Dunlop, Parochial Law, 265-267; Edinburgh Presbytery, xix, 51 and others; SRO, Minute Book of the Presbytery of Caithness, 30 November 1825--16 September 1841 (hereafter Caithness Presbytery), 167, 218-219.

[8]Dunlop, Parochial Law, 244-254; Patronage Report, 36, 40-44, 333-334, 380; Sinclair, Analysis, ii, 19.

After the presbytery had received a presentation and proofs of the presentee's license and loyalty, it next sent the candidate to preach in the parish for at least one Sunday and possibly two or three. The presbytery, if the people had not raised objection to their proposed pastor, then appointed the moderation of a call. This was the act by which the parish signified its acceptance of the presentee and invited him to minister to them. To object previous to the call it was necessary for the people to prosecute successfully a case of ecclesiastical libel before the church courts. The chances of success in such cases were almost nil and the process was difficult. The parishioners usually displayed their objections, if they had any, by refusing the invitation to sign the call. Such refusal was of little import, however, for presbyteries sustained calls with an absolute minimum of subscription.[9]

If the presentee were already ordained and under the jurisdiction of another presbytery, the newly concerned court appointed a committee to prosecute his translation before the court then over him. If he were not ordained, the presbytery proceeded with the trials for ordination until fully satisfied of his learning and doctrine. Free of

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[9] Patronage Report, 24, 35, 117, 148-149; Edinburgh Presbytery, xix and xx; Little Dunkeld Debate, 52; Dunlop, Parochial Law, 276-307.

all objections, the presbytery then appointed a day for the court to meet in the church of the parish concerned. There, if the presentee were not ordained, the ministers of the presbytery put to him the constitutional questions and upon receiving the requisite affirmative answers laid their hands upon him and made him one of their order. When ordained the presbytery admitted the presentee to the office of minister of the parish, to the cure of souls and the possession of the living.[10]

Once admitted the minister had right to the office for life and could be removed only for extraordinary cause. However, where gross immorality or neglect of duty existed the church had the necessary power of redress.[11] If an incumbent, however, could not from age or infirmity properly discharge his office, the patron could, with consent of the incumbent, present an assistant and successor. A presentee to such a position had to meet the same qualifications as any other presentee. In fact, although he received only an agreed-upon portion of the living until the incumbent's

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[10]Dunlop, Parochial Law, 308-314; Edinburgh Presbytery, xix and xx. In Edinburgh Presbytery the whole process of lodging the presentation and arranging the moderation of the call and the ordination and admission cost the patron, or failing him, the presentee, five guineas in fees to the presbytery clerk; in addition the presentee had to pay a fee of one guinea (Edinburgh Presbytery, xix, 140-142).

[11]Patronage Report, 152.

death, he nonetheless was admitted fully to the ministry of the parish in all other aspects. The Crown, especially, seems to have made use of this procedure. Appointment as assistant and successor was of course one way, and, with so many probationers about, not an unappealing one, to obtain a living. Of course, the incumbent might live for years and the aspirant long be denied the full fruits.[12]

The livings of the Church of Scotland in 1824 were, if by no means handsome, at least fairly adequate. For the most part the ministers received their maintenance from the church's tenth of the produce of the land, called in Scotland the teinds. Sanctioned by Hebrew and early Christian practice, the teinds were in origin not a tax on the land, but a freely gifted offering to the church, granted for all time. The institution came to Scotland in the twelfth century, the landowners responding voluntarily to the church's teaching of the donation of the teinds as a pious duty. The teinds served as the main source of clerical income until about the middle of the nineteenth century and remain important to the present day. In time the

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[12]J. N. Duncan and C. N. Johnston (Lord Sands), The Parochial Ecclesiastical Law of Scotland (1903) (hereafter Duncan and Johnston, Parochial Law), 96-97; University Report 1831, 32; G. Lamb to Sir William Elliott, Bart., of Stobs House, Roxburghshire, 19 February 1831, SRO, Scotch Church Records 1809-1885 (hereafter Scotch Church Records), i, 303-304 (this letter) and throughout the volume.

institution gained the sanction of civil law and some considered its legal enforcement one of the marks of the church's establishment. The teinds are thus an obligation attached to the ownership of land by gift of mediaeval owners and recognition by the state. They are an obligation for the good of the church and the general community. The heritors were not only obligated to the extent of the stipend from the teinds, but had also to pay for any building work in connection with church or manse, all this a prospective purchaser of land took into account in assessing value.[13]

As has been noted, the reformed ministry following the Reformation did not enjoy, for the most part, the ecclesiastical revenues. These went to the old possessors, to the Crown, and to lay favorites. Soon, however, the state made some provision for the maintenance of the reformed ministry out of the Thirds of Benefices. An act of Parliament of 1617 brought this arrangement to an end and established the principle that the teinds of each parish should be made to support the incumbent. The new arrangement had envisioned fairly adequate stipendiary provision for the clergy, but

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[13]A. J. H. Gibson, Stipend in the Church of Scotland (1961) (hereafter Gibson, Stipend), 12-16, 18, 20-21; Roland de Vaux, Ancient Israel (1962), 9; SHR, x, 111; Patronage Report, 115, 156; Clark, Rights of Members, 19; see also Saunders, Scottish Democracy, 18-19, 21.

this was not entirely realized. In the eighteenth century the condition of many livings became less than good, and heritors successfully resisted efforts to augment stipends. By the end of the century the cost of living, but not stipends, had risen so much as to require relief. Stipends often had remained the same because the heritors of many parishes had taken advantage of their right to substitute a fixed payment for a variable stipend based on the price of grain. And while heritors enjoyed for their own use more surplus teinds than the landowners of probably any other country of similar system, some ministers lived on stipends as low as £50 a year.[14]

Relief came from Parliament in the Teinds Act of 1810, which fixed the minimum stipend at £150 with manse and glebe, £180 with manse or glebe, and £200 with neither. The value of the stipend from the teinds was determined and the deficiency made up out of an Exchequer grant of £10,000 (increased to £12,000 in 1824, where it remains today). This was thought to be some compensation for the ecclesiastical revenues that the Crown assumed to itself at the Reformation.[15]

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[14]Patronage Report, 13, 59, 281; Gibson, Stipend, 23-24, 29-31; Saunders, Scottish Democracy, 383; Mathieson, iv, 75.

[15]Gibson, Stipend, 30-31; Moncreiff Wellwood, Erskine, 531.

The burghs provided for their ministers' stipends in a manner different from the rest of the country. Most municipal corporations, acting in the place of heritors in country parishes, paid ecclesiastical expenses out of the funds for the "common good." In turn the burgh treasuries received the seat rents from the churches and often too revenue from ecclesiastical property that had been gifted by the Crown to corporations at the Reformation. In Edinburgh the method was somewhat different. There an annual house tax, together with other minor sources, supplied the ministers' stipends. The seat rents, amounting to about £7,000 a year, paid for the other ecclesiastical expenditures of the city, such as church building costs, the emoluments of beadles and precentors, and the expense of Communion elements.[16]

Sir John Sinclair of Ulbster, compiler of the Old Statistical Account, estimated in 1826 that the 942 parish ministers of Scotland received an average stipend of £220. The range, according to Lord Moncreiff, was from £150 to

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[16]A. J. Campbell, "The Burgh Churches of Scotland," RSCHS, iv, 191-194; Gibson, Stipend, 25-26; Anon., Statements Relative to the City of Edinburgh, Shewing the Practicability and Necessity of, and Containing Proposals for, the Extension of the Royalty, Popular Election of the Town Council, Errection of Additional Parish Churches and Schools in Every Parish, the Immediate Reduction of the Annuity Tax, and the Speedy and Total Abolition of the Poor's Rate (1833) (hereafter Edinburgh Proposals), 12-13, 25, 28-29.

about £500.[17] Few livings produced more than the latter sum. The highest exceptions, which may have been worth about £800 a year, were the West Parish of Greenock, North Leith, and the Barony of Glasgow. Their higher value arose from the ministers' feuing (approximately, renting in perpetuity) their advantageously situated glebes.[18] The burgh ministers of Edinburgh received about £600 a year without manse, while those of Glasgow got £400.[19] In the Canongate of Edinburgh, however, where the stipends derived from assessments on the inhabitants, the two ministers each got

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[17]Sinclair, Analysis, ii, 60; Sir J. W. Moncreiff, Bart., Lord Moncreiff, preface to Sir Henry Moncreiff Wellwood, Bart., A Brief Account of the Constitution of the Established Church of Scotland; and of the Questions Concerning Patronage and Secession (Lord Moncreiff, ed., 1833), pp. xii-xiii.

[18]Mathieson, iv, 272; Sinclair, Analysis, ii, 46-47; ECI, xxvii (December 1828), 799; John Anderson, Jun., Sketches of the Edinburgh Clergy of the Established Church of Scotland (1832) (hereafter Anderson, Edinburgh Clergy), 5; R. G. Philip, "Notes on the Early Moderators of the Free Church (1843-1850)," RSCHS, viii, 167-168; William Laughton, "Patrick M'Farlan, D.D.," Disruption Worthies: A Memorial of 1843 (Gilles, ed., 1881) (hereafter Disruption Worthies), 374; Scott, Fasti, iii, 207-208.

[19]Edinburgh Proposals, 12, 30; Report of the Proceedings of the Presbytery of Edinburgh, On Wednesday, the 24th of April, in Reference to the "Annuity" on House Rent, for the Stipends of the Ministers of the City (1833), 19; Report by the Commissioners Appointed by His Majesty William the Fourth, November 23rd, 1836; and Re-appointed by Her Majesty Victoria, October 2nd, 1837; for Visiting the University of Glasgow (1839) (hereafter Glasgow University Report), 46, 48, 55-56.

only £240; an informed commentator thought this "quite inadequate" to meet an urban incumbent's needs.[20]

Outside the proper ecclesiastical livings of the parish churches were the stipends of assistant ministers and ministers of chapels of ease and Parliamentary churches. The assistants, about one hundred in number, probably received an average of £50 a year.[21] The emoluments of ministers of chapels of ease largely depended upon the seat rents; perhaps the handsomest of these positions were the four chapels of St. Cuthbert's, Edinburgh, which paid about £400 each;[22] but they were exceptional. Parliamentary churches were those erected by the government under an act of 1824 in remote districts of Highland and Island parishes. Eventually numbering forty-two, the government provided these Exchequer livings with endowments sufficient to produce £120 a year and with a manse; as the ministers were technically assistants to the parochial incumbents the government did not feel it had to pay the £150 minimum it had set for proper livings.[23]

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[20] Edinburgh Proposals, 14.

[21] Sinclair, Analysis, ii, 60.

[22] Edinburgh Proposals, 14. In addition to the seat rents, an endowment contributed a small amount to these stipends.

[23] Gibson, Stipend, 31-32; Scotch Church Records, i, 211-216; Mathieson, iv, 291.

Nevertheless, the Parliamentary ministers, together with almost all the established clergy except the assistants, enjoyed greater stipends than most of the dissenting clergy (including the seceders), who averaged only about £110 or £115 a year in addition to a house and garden worth £15 or £20. It is true, on the other hand, that some of the Episcopal clergy, from the subvention of the wealthy, received far more than the average minister in the establishment.[24] However, the Scottish establishment on the whole compared favorably with its English counterpart. Although about 1830 the Church of England had nearly 200 livings worth more than £1,000 a year, it also had about 3,500 (out of a total of something over 10,000) that paid less than £150, the Scottish parochial minimum, and many of these poorer English benefices provided no house.[25] Scottish stipends in 1825 also appear to compare favorably with Scottish stipends in most generations both before and after that year; but if the average provision has varied since the

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[24] Scots Magazine, xcv (May 1825), 601-602.

[25] G. F. A. Best, Temporal Pillars: Queen Anne's Bounty, the Ecclesiastical Commissioners, and the Church of England (1964), 199, 407, 545; A. V. Dicey, Lectures on the Relation Between Law & Public Opinion in England during the Nineteenth Century (1914), 336-337; William Law Mathieson, English Church Reform, 1815-1840 (1923), 112-115, 132.

Reformation, it has never been much more than adequate.[26]

Indeed, while Sir John Sinclair estimated that the average Scottish parochial stipend of 1826 was £220, he also thought that the average incumbent had expenditures in the neighborhood of £300. Fortunately the minister enjoyed other sources of income as part of his living. In country parishes the heritors had to provide and maintain a manse of sufficient size with an enclosed garden attached to it, the whole to be about half an acre. In burghs stipends were usually proportionately higher to include the expense of house rental. Also in nonburghal parishes the minister had right to a glebe, four acres of arable land within the neighborhood of the manse, and, as has been noted, this was in a few cases a very valuable asset. Too, if the teinds were not exhausted in making up the stipend, the Court of Session usually allowed a sum from the surplus to pay for the Communion elements. Otherwise the minister would have had to purchase these with his own funds. Part of the living too was the right of a deceased incumbent's widow, children, or other kin to ann (or annat), half-a-year's stipend after his death. Vacant stipends went to the general ministers' widows' fund, not as in past times to the

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[26]See for example, Reid, Glasgow Divinity Professors, 147; Henry Grey Graham, "Life in a Country Manse about 1720," SHR, i, 160; R. C. MacLeod, "A West Highland Estate during Three Centuries," SHR, xxii, 179.

patron "for pious uses."[27]

In addition to stipend, manse, glebe, survivors' benefits, and so forth, occasional incumbents enjoyed other sources of small income. The Minister of Libberton, Presbytery of Edinburgh, for example, got, as one of the ancient prebends of the Bishopric of Edinburgh, £10 a year from the Exchequer out of the bishops' revenues (these revenues yielded over £10,000 annually, most of which the Crown retained.)[28] A few other parish ministers, although of course not as part of their regular livings, drew additional income from university chairs. These professorships, by no means exclusively in the divinity faculties, indeed provided a good living when joined with a parochial charge, although when held alone some were quite inadequate. The range of professorial stipends was considerable and illogical.[29]

The problem of improving parochial livings could be met by the process of augmentation. Providing that the whole teinds of the parish were not already used for the

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[27]Sinclair, Analysis, ii, 30, 60; Duncan and Johnston, Parochial Law, 303-312, 352-509, 618-626; Clark, Rights of Members, 36.

[28]Edinburgh Presbytery, xix, 355; Mathieson, iv, 297.

[29]University Report 1831, 53, 69-70, 109-111, 157-161, 259-261, 323-326, 356-357, 359, 392-394, 407-408; Mathieson, iv, 272&n; Hanna, Chalmers, iii, 226-230, iv, 7-9; Scott, Fasti, vii, 367.

stipend and that no increase had been granted for twenty years, a minister could apply for an augmentation to the Court of Session, sitting as the Court of Teinds. The court decided if it would grant the increase and, if so, to what amount by considering the cost of living, stipends of comparable parishes, and the actual value of the current stipend compared to its actual value at the last augmentation. If there were no surplus teinds, no increase was possible. That the general level of stipends did improve in the early nineteenth century, enabling the clergy to have some share at least in the doubled or tripled income of the land, was due in large part to ecclesiastical leaders overcoming the general opposition of the landed interest.[30]

The augmentations, however, did not really raise the level of life of the Scottish minister above the adequate and unassuming. Unlike many English clerics, few had private incomes. Chalmers' ability to meet his annual expenditure of over £800 through sale of his publications was certainly the exception, as was so high a style of living in the first place. The wealthy and well-born of Scotland did

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[30]Duncan and Johnston, Parochial Law, 313-331; Sinclair, Analysis, ii, 58; Carlyle, Autobiography, 527&n, 554-555, 587-590 (this last, John Hill Burton, the editor); Proceedings of a Meeting...Kirkcaldy...for Reform in Parliament...1816, 14.

not as a rule choose the life of the cloth.[31]

Indeed, the fact that the Scottish minister occupied a modest place in life was thought by his countrymen to be appropriate. Adam Smith, whose views were surely not so far from those of a generation or so later, found much favorable in the uniform "mediocrity of benefice." Without a fortune a man had to cultivate "exemplary morals" to gain the respect of the folk, and "the presbyterian clergy, accordingly, have more influence over the minds of the common people than perhaps the clergy of any other established church."[32] Strangers to Scotland in fact remarked the reverence of the folk for the clergy, the lowest paid receiving perhaps the most respect. An English traveler coming upon "Heeland's Glory," presumably a catechist or other itinerant missionary, on the Glasgow-Edinburgh road, noted that "the People blessed him as he passed. So much more is Virtue...revered than Rank. Had it been the [unpopular ninth] Duke of Hamilton he would have been in Danger of being stoned...."[33]

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[31]Sir Charles Petrie, Bart., review of Sir Compton Mackenzie, On Moral Courage (1962), in The Illustrated London News, ccxl (3 March 1962), 331; Mathieson, iv, 222; Hanna, Chalmers, iv, 7-10; ThomasDavidson, "An Account of the Author," John Erskine, Theological Dissertations (2nd edn., 1808), xi.

[32]Smith, Wealth of Nations, ii, 295.

[33]Peter Barber, "A Traveller in Scotland, 1795-1796" (the journal of T. B. Pease), SHR, xxxvi, 38-39.

On the whole, thought Adam Smith, for the little expense of the established clergy the nation got a great bargain:

> The most opulent church in Christendom does not maintain better the uniformity of faith, the fervour of devotion, the spirit of order, regularity, and austere morals in the great body of the people, than this very poorly endowed church of Scotland. All the good effects, both civil and religious, which an established church can be supposed to produce, are produced by it as completely as by any other.[34]

Various types of patrons had the gift of these modest livings of the Scottish establishment. Of 942 proper or quoad omnia parishes[35] in 1824, the Crown was patron of 254 5/6,[36] town councils of 58,[37] individuals ("lay patrons" in popular usage) of 603 2/3, and various others, including heritors, kirk-sessions, heads of families, trades'

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[34]Smith, Wealth of Nations, ii, 298.

[35]These are the regular parishes, being both civil and ecclesiastical units; quoad sacra parishes, purely ecclesiastical, is the term used to designate the districts of chapels of ease after 1834.

[36]The fractions in these totals arise from the fact that two or three patrons, not infrequently of differing classifications, often shared by turns the patronage of a parish and have here been counted as possessing a half or a third of a patronage.

[37]The totals for town councils include parishes outside their own burghs of which town councils were patrons; thus Port-Glasgow, the patronage of which was held by the Town Council of Glasgow, is here included, as is Wemyss in Fife, the patronage of which was held by the Town Council of Edinburgh; these, however, are the exceptions, most patronages belonging to town councils being those of their own burghs.

incorporations, and colleges (10 livings), of 25.[38]

These statistics of 1824 take on greater meaning when compared to those of other times. While it is known that by the end of the middle ages (1560) only about 260 parishes remained patronate, the rest of the 940 or so having been appropriated to religious corporations,[39] further information is difficult to deduce. The first useful statistics available are those for patronage in the Restoration period. At that time the Crown was patron of only 80 1/6 livings out of a total of 785 1/2 determinable among the 939 parochial livings. The Crown's larger later total comes from its having taken over in 1712 most of the 188 1/3 patronages possessed during the Restoration by ecclesiastical bodies. Of these 188 1/3, archbishops and bishops held 142, lower ecclesiastics 19 5/6, and colleges 26 1/2. Town councils during the Restoration had the gift of 46 1/2 livings, individuals of 468 1/2, and heritors and trades' incorporations of 2. Most of the 153 1/2 (out of 939 total parishes) that cannot be determined lay in the North and in the Isles and

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[38]Drawn from The Edinburgh Almanack, or Universal Scots and Imperial Register, for 1825 (1824) (hereafter Edinburgh Almanack 1825), 351-371, with reference to various other sources, especially Scott, Fasti.

[39]Patronage Report, 2, 56-57, 357.

remoteness may account for lack of information.[40]

The first estimates after patronage had been fully resumed that seem to approach reliability are those of Andrew Crosbie, the advocate and Evangelical leader. In 1769 he counted a total of 944, 344 patronages in the possession of the Crown, 47 of town councils, 542 of individuals (nobles 309, gentry 233), 18 of colleges, and the 3 of the parishes that had secured their own by purchase.[41] A count based on statistics of 1780 shows that at that time the Crown's total was only 270 5/6, whereas individuals had 601 1/6. The shift is perhaps explainable in part by success of individuals in establishing right where the Crown had only residual right as patron paramount. Town councils in 1780 had 58 1/2 patronages, and others (colleges included) 16 1/2; the total, 937.[42] The figures for the turn of the century are very similar--Crown, 263 5/6; town councils, 48 1/2; individuals, 600 2/3; others 22; the

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[40]Drawn from a ms. "List of the Churches in Scotland & their Several Patrons...as they were before the Revolution," probably compiled in 1720 or shortly thereafter, Laing MSS., Edinburgh University Library.

[41]Mathieson, iii, 145-146; Patronage Report, 203; see also ECI, xxvi (April 1827), 257 (quoting a pamphlet of Francis Hutcheson), and Mathieson, iv, 237-238.

[42]Drawn from The Town and Country Almanack for the Year M.DCC.LXXX (1780?), 155-177.

total, 935.[43] These last figures are also very similar to those of 1824 (supra).

Between 1824 and 1843, the year of the Disruption, the Crown's total rose from 254 5/6 to 309 2/3, due almost entirely to the addition to the royal patronage of the livings of the Parliamentary churches. Also in that time town councils erected 11 new churches, of which they became the patrons. By the addition of 204 parishes quoad sacra (for ecclesiastical purposes only), including those that had begun as chapels of ease, the total number of all livings rose to 1,197. Invariably, the right to appoint to the quoad sacra parishes rested with the heads of families, seat-renters, managers, or other popular or representative body.[44]

One may further compare the statistics of Scottish patronage in 1824 with those for the Church of England in 1831, the nearest year to 1824 for which there is information. There were in England more classifications of patrons. If, however, one adds the ecclesiastical possessors to the Crown (as the ecclesiastical patronage in Scotland had been taken over by the Crown), that amount out of the total livings (England had over 10,000 benefices or

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[43]Drawn from The Edinburgh Almanack and Scots Register for 1800 (1800), 68-89.

[44]Drawn from the New Edinburgh Almanac and National Repository for the Year 1843 (1842), 331-355; see also 3 PAMPS (1829), 12 and 4 PAMPS (1829), 15.

over ten times the number in Scotland) is about 27%. This is the very same percentage the Crown held of Scottish livings. Private individuals owned a greater share of Scottish livings, about 64%, than did private individuals of English livings, about 49%. While town councils in Scotland accounted for 6% of patronages, English municipalities had gift of only 1/2% of the total. On the other hand, while Oxford and Cambridge had right to present to 6% of English benefices, Scottish colleges had only about 1% of their church's livings. Public officials, trusts, and other agencies account for the remaining 17 1/2% in England, miscellaneous owners for the remaining 2% in Scotland.[45]

Half or more of the patronages in many jurisdictions of the Church of Scotland in 1824 were owned by one patron. Thus of a total of fifteen synods the Crown had right to present to the majority of livings in three and individuals in three others. Of seventy-eight presbyteries the Crown had the patronage of a majority of the livings in twelve and individuals in sixteen.[46]

Of the individual patrons those with the most livings were three noblemen who had just under thirty each.

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[45]For English livings see C. K. Francis Brown, A History of the English Clergy, 1800-1900 (1953), 20n.

[46]Drawn from Edinburgh Almanack 1825, 351-371.

Lawrence, second Baron Dundas, a Whig magnate and later first Earl of Zetland, had gift of twenty-nine livings. These included a majority of those in each of the four presbyteries of the Synod of Orkney.[47] The Duke of Buccleuch and Queensberry, the chief of the Scots Tories and leading landowner of the country, possessed the patronage of twenty-eight parishes, including majorities in two presbyteries of the Synod of Dumfries.[48] The seventh Duke of Argyll, another Whig magnate, had right to present to twenty-seven parishes. Among these were a majority of those in the Synod

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[47] Edinburgh Almanack 1825, 351-371; The Edinburgh Almanack, or Universal Scots and Imperial Register, for 1827 (1826), 117; Donald Southgate, The Passing of the Whigs, 1832-1886 (1962) (hereafter Southgate, Whigs), 34n, 94-95, 488; Norman Gash, Politics in the Age of Peel: A Study in the Technique of Parliamentary Representation, 1830-1850 (1953) (hereafter Gash, Age of Peel), 213-214. Actually the 1825 almanac lists the Crown as patron of the Dundas livings in Orkney, but the matter was in dispute and Lord Dundas made good his claim; the Orkney patronages had in fact been disputed at various times since the Reformation; see Warrant of the King to Sir William Rae, the Lord Advocate, 1825, Scotch Church Records, i, 192-193; Dunlop, Parochial Law, 210-211; Patronage Report, 396; J. Storer Clouston, "The Lawrikmen of Orkney," SHR, xiv, 49. The Crown not infrequently contested patronages; when in 1811 the Prince Regent and the Countess of Sutherland both claimed the right to present to Creich, the Presbytery of Dornoch got around the problem by accepting from each party a presentation in favor of the same presentee (Patronage Report, Appendix, 142-143).

[48] Edinburgh Almanack 1825, 351-371; Edinburgh Almanack 1827, 99; Gash, Age of Peel, 186, 188, 396.

of Argyll and its four presbyteries.[49] The actual extent of the patronage of these three leading patrons was even greater, for, as shall be seen, in parishes where the Crown was patron the choice of the heritors or chief heritor usually received preference. Thus one commentator observed that, taking this indirect patronage into account, Dundas, Buccleuch, and Argyll together appointed the pastors of a quarter of a million souls, over ten per cent of the total population.[50]

Five patrons owned between ten and twenty livings each. The Earl of Fife had eighteen; the Earl of Seafield, fourteen, including a majority of those in the Presbytery of Fordice; the Hon. Mrs. Maria Hay Mackenzie of Cromatrie and Newhall, thirteen and one-half, including majorities in the Synod of Ross and the Presbytery of Tain and half those in the Presbytery of Chanonry; the Duke of Hamilton, thirteen; and the Earl of Mansfield and Mansfield, eleven. Three patrons had gift of nine and one-half livings each (the Duke of Gordon, the Earl of Moray, and the Countess of Sutherland, the last having the patronage of eight and one-half of the nine livings in the Presbytery of Dornoch); two

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[49] Edinburgh Almanack 1825, 351-371; Edinburgh Almanack 1827, 100; Mathieson, iv, 169; Gash, Age of Peel, 186.

[50] 3 PAMPS (1829), 12.

of nine (the Duke of Roxburghe and the Earl of Eglinton); two of eight and one-half (the Earl of Kinnoul and Sir John Carmichael Anstruther of that Ilk); one of eight and one-sixth (Sir John Forbes of Craigievar); one of eight (Sir James Colquhoun of Luss, who had six of the ten patronages in the Presbytery of Caithness, formerly belonging to his father-in-law, Sinclair of Ulbster, who himself had a seventh); and so on. At the other extreme 129 patrons had gift of a single living each and twenty-three of half a living each or rather right to present to alternate vacancies in a single parish.[51]

One interesting facet of patronage in 1824 is that sixteen ladies, most but not all of them titled, possessed fifty-six patronages. Those with the largest numbers were the Hon. Mrs. Maria Hay Mackenzie of Cromartie and Newhall and the Countess of Sutherland (supra). These two powerful magnates of the fair sex together enjoyed the gift of the majority of livings in Cromarty, Ross, and Sutherland. Though canon law elsewhere gave to a husband the right to present to benefices in his spouse's possession, in Scotland the female patron, if she had a husband, only needed his

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[51] Edinburgh Almanack 1825, 351-371; for Luss and Ulbster see Mitchison, Agricultural Sir John, 229-230.

consent to her choice.[52]

Besides the 942 proper livings of quoad omnia parishes in 1824, there were as well the lesser livings (not perhaps ecclesiastical livings in a stricter sense although certainly positions of employment for ministers of the establishment) of chapels of ease, of which there were fifty-three in all. Most of them had been established to relieve the problem of church sittings for increased urban population. Thirty-five of the fifty-three were in the Presbyteries of Glasgow, Edinburgh, Aberdeen, Paisley, and Dundee; nine of the fifty-three were Gaelic chapels designed to accommodate the Highland influx. As has been mentioned with the patronage statistics for 1843, managers, seat-renters, heads of families, and the like usually held the right to appoint chapels of ease ministers. Missionary or catechetical work in the Highlands and Islands provided employment for additional clergy of the church. The committee managing the annual Royal Bounty, a grant from the king to the General Assembly, had provision for thirty-eight

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[52]Edinburgh Almanack 1825, 351-371; Edinburgh Almanack 1827, 114, 191-192, 228, 234-235; Dunlop, Parochial Law, 234. Mrs. Hay Mackenzie, heiress of the restored estates of the late, attainted Earl of Cromartie, had had to engage in a long battle in the civil courts to secure her patronage rights over the claims of the Crown (Dunlop, Parochial Law, 216-217; Scott, Fasti, vii, 23; Edinburgh Almanack 1827, 120).

missionaries and the Society for Propagating Christian Knowledge for nine.[53]

To complete the picture of patronage in 1824 mention should be made of another type of living, university chairs. Although outside the parochial livings of the church, these nonetheless were a means of livelihood for a number of the established clergy. There were thirteen chairs and principalships at St. Andrews (nine in the United College of St. Salvator and St. Leonard, four in St. Mary's), twenty at Glasgow, ten at King's, eleven at Marischal, and thirty-three at Edinburgh, a total of eighty-seven. Of these, seventeen could be considered theological, but clergymen occupied other chairs as well. The Crown was patron of thirty-one and one-half[54] of these livings, town councils of twenty-seven (two at Marischal, twenty-five at Edinburgh), private individuals of three, the colleges themselves of twenty-four, a synod of one (following Continental custom the Synod of Aberdeen was patron of the Chair of Divinity at King's) and the Society of Writers to the Signet of one-half

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[53] Edinburgh Almanack 1825, 369-371; Sinclair, Analysis, ii, 55-56.

[54] Halves of patronages of chairs mean here a right shared; thus the Town Council of Edinburgh and the Society of Writers to the Signet jointly presented the Professor of Conveyancing at Edinburgh.

(Conveyancing, Edinburgh).[55]

If private individuals were patrons of only three university chairs, they were, as has been noted, patrons of nearly two-thirds of the proper parochial livings. These individuals owned their patronages under the theory that they had right in the ancient canon law tradition as successors, either by inheritance or purchase, of the founders. Such is the case put by the preamble of the Act of Anne.[56] Actually, however, very, very few patrons could directly trace their right to mediaeval foundations, for by 1560 most patronages had been gifted to religious corporations and the original right of presentation extinguished. After the Reformation, wrote Alexander Dunlop, the historian of the law of patronage,

> These were again re-erected into new patronages in favour of gratuitous donees of the Crown, who had no right whatever to them...so that so far from being parties whose fathers had endowed the church, they [the patrons referred to in the preamble to the Act of Anne] were parties whose fathers had despoiled the church....[57]

One pamphleteer of 1825 referred to the grounds on which patrons based their claims as

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[55]Edinburgh Almanack 1825, 349-350.

[56]The Statutes at Large.... (Raithby, ed., 1811), iv, 149.

[57]Patronage Report, 17-18.

> the papistical shreds and tatters which patrons have long since patched up into rights of "fair and goodly seeming," to hang about the despoiled and naked church.[58]

The rights of patronage were related to "superiorities," remnant feudal rights based on land that the "superior" no longer directly held. County voters of Scotland based their franchise on these rights, and "superiorities," said one Scottish Member of Parliament and lawyer who had investigated their meaning, "are all moonshine."[59]

"If our Scotch patrons were put to justify their title by mediaeval canon law," wrote Sir David Dalrymple in the early eighteenth century, "they would make but a very indifferent plea of it...."[60] Indeed, the ground on which their right as patrons rested did not in this sense exist. Modern patrons neither built nor maintained the fabric of church and manse, nor did they contribute to the stipend all of which mediaeval patrons had had to do. If modern patrons happened to do these things it was not as patrons, but as heritors in company with all the heritors of the parish. Sometimes, however, patrons were not even heritors, for the

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[58]"Kurioikouphilos," Vox Populi: Or, Patrons Paid Off, by their Successors in Office, the Church Patronage Society, to Which Is Added a Prospectus of its Principles and Projects (1825) (hereafter "Kurioikouphilos," Vox Populi), 24.

[59]Mathieson, iv, 223.

[60]Patronage Report, 275.

right to present could be owned without owning any land whatever.[61]

On the other hand there were a few patrons with the best possible title to their right of presentation. The best known case is probably that of Willielma, Viscountess Glenorchy, foundress and patroness of a chapel of the established church in Edinburgh in the late eighteenth century.[62] To be sure, Lady Glenorchy's was not a proper parochial living. In modern times, however, there was at least one foundation of a parish church the patronage of which continued in the possession of the founder's descendants. In 1589 James VI gave permission to John Shaw of Greenock to erect a parish church in that new town. This living (which, as has been noted, became one of the wealthiest) remained thereafter in the gift of the Shaw Stewarts, Baronets of Blackhall and Greenock.[63] In 1799 Sir William Forbes of Pitsligo, founder and superior of the village of New Pitsligo,

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[61] Patronage Report, 275, 312; see also MacLeod, SHR, xxii, 179.

[62] Robert Chambers, Traditions of Edinburgh (1825), ii, 38-40; Mathieson, iv, 52-54, 256; Anderson, Edinburgh Clergy, 77, 79-80; Hugh Watt, "Robert Walker of the High Church (Hugh Blair's Colleague)," RSCHS, xii, 84; [Archibald Bruce], The Kirkiad; or, Golden Age of the Church of Scotland (1774) (hereafter [Bruce], Kirkiad), 42; Edinburgh Proposals, 14; Scott, Fasti, i, 78.

[63] Scott, Fasti, iii, 205; Anderson, Edinburgh Clergy, 5.

Presbytery of Deer, built a chapel for the village. In 1853 it became a parish quoad sacra, again with the generous assistance of the family of Forbes of Pitsligo, who were patrons of the living.[64] But such close patronal links were rare exceptions.

In choosing presentees for their livings, patrons, providing they presented a qualified candidate, had sole responsibility for the selection. Often they might consult leading clergymen for recommendations or ask the heritors if they had any preference. Very rarely, however, did patrons heed the people, although there are at least two instances in the early nineteenth century of their doing so. Sir John Sinclair of Ulbster, whose heir was to head the anti-patronage society in the early 1830's, provided one such example. In 1804 Sir John presented to Thurso, Presbytery of Caithness, the person for whom the parishioners and magistrates had applied to him, although in so doing he resisted great pressure from an influential party seeking preferment for another candidate. Similarly disposed was George Skene of Skene, patron of that parish, Presbytery of Aberdeen. He was a man of benevolence and much beloved, and gifted the living to the choice of the people. The parishioners of Skene, when organizing an auxiliary anti-patronage society

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[64]Scott, Fasti, vi, 237.

about 1830 took care to announce that they did so on general principles, not "because their Spiritual interests have suffered from Patronage...."[65]

With right to present to about twenty-seven per cent of the livings, the king was of course Scotland's greatest patron. A royal presentation, although not necessarily of any greater material advantage, seemed to carry with it more prestige than the gift of other livings.[66] Although the office of the Secretary of State for Home Affairs processed the presentations,[67] the king followed the advice of the Scottish "manager." Henry Dundas, first Viscount Melville, had retired from the government and from the rule of Scotland in April 1805 following his censure by the House of Commons. In January 1806 Pitt died and George III called upon the Whig "Ministry of all the Talents" headed by Grenville; the Earl of Lauderdale, intimate friend of Charles James Fox (who became Foreign Secretary) dispensed

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[65] Patronage Report, 154, 259, 291; 5 PAMAA (1830), 14.

[66] "Kurioikouphilos," Vox Populi, 5; ECI, xxvi (May 1827), 350.

[67] Scotch Church Records, i, especially 187; Edinburgh Almanack 1827, 45.

the Scottish patronage.[68] The Whigs, however, lasted only a little more than a year, and with the return of the Tories came the return of the Dundas interest, in the person of Robert Dundas, son to the retired proconsul. Young Dundas took over his father's old position as "manager" of Scotland, succeeding him as second viscount in 1811. The new manager administered Scottish patronage and delivered the Scottish votes to the government much as had his father, even if he never approached the heights of the latter's powers.[69]

The second Viscount Melville's resignation with that of Liverpool's ministry in 1827 brought the managership of Scotland to an end forever, to the satisfaction of many. With the new government of Canning, Scottish affairs were transferred to the Home Office, beginning with the tenure of the third Marquis of Lansdowne, a Whig leader who had joined Canning. The latter very soon died, however, and Goderich,

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[68]Mathieson, iv, 128; Sir Henry Craik, A Century of Scottish History from the Days before the '45 to Those within Living Memory (1911) (hereafter Craik, Century of Scottish History), 412-413; Henry Cockburn, Life of Lord Jeffrey, with a Selection from His Correspondence (1852) (hereafter Cockburn, Jeffrey), 199-205.

[69]Mathieson, iv, 186, 188, 194; David Masson, Edinburgh Sketches and Memories (1892) (hereafter Masson, Edinburgh), 158; Pryde, New History, ii, 125; Wallace Notestein, The Scot in History: A Study of the Interplay of Character and History (1947) (hereafter Notestein, Scot in History), 273.

his successor, lasted only a half-year.[70]

In January 1828 the Duke of Wellington led an all-Tory ministry into office, with Robert Peel as Home Secretary. This was Peel's second tenure of that office and during his first tenure from 1822 to 1827, although Melville had been manager, Peel actually had taken an active lead in the ecclesiastical appointments for Scotland. His administration of this part of Scottish business brought him considerable praise, for he made a conscientious effort to find the best qualified presentee for each vacant Crown living.[71]

In November of 1830 the Whigs came to power under Grey, with Melbourne, the Home Secretary, Francis Jeffrey, the Lord Advocate, and Henry Cockburn, the Solicitor-General, in charge of the affairs of Scotland.[72] Although the Lord Advocate represented the Crown in church patronage cases

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[70]Mathieson, iv, 194, 199; Masson, Edinburgh, 158; Pryde, New History, ii, 191-192; Edinburgh Presbytery, xix, 64, 524; Letters Chiefly Connected with the Affairs of Scotland, from Henry Cockburn...to Thomas Francis Kennedy, M.P....with Other Letters from Eminent Persons (1874) (hereafter Cockburn, Affairs of Scotland), 152-180; Henry Cockburn, Memorials of His Time (1856) (hereafter Cockburn, Memorials), 446-449; Scotch Church Records, i, 217-221.

[71]Pryde, New History, ii, 191-192; ECI, xxiv (September 1825), 584, xxx (August 1831), 562; Patronage Report, 154-155, 248-249; Scott, Fasti, i, 207.

[72]Cockburn, Memorials, 470; Mathieson, iv, 205; Pryde, New History, ii, 192; Cockburn, Affairs of Scotland, 254-257, 266-272, 470, 473, 502, lx-lxi, xliv.

before the civil courts and the Solicitor-General was the usual officer of state in treating with the church, Crown presentations did not concern them. The Home Office under Melbourne, as under Peel, dispensed the Crown's Scottish church patronage. The Secretary's brother, the Hon. George Lamb, amiable Under-secretary, appears to have been in charge of these Scottish cases. The Whigs remained in office until November 1834, Melbourne replacing Grey as Prime Minister during the last four months, with Lord Duncannon as Home Secretary.[73]

Evangelical reformers, critical of the competence of Home Secretaries to administer the royal patronage,[74] were no less critical for the fact that heritors had in effect the choice of presentees to these livings.[75] The Crown as early as 1719 had instructed its agents to ascertain the desires of the landowners of the parish, usually willing to

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[73]Scotch Church Records, i, 6, 67, 116-124, 192-193, 206-209, 229-232, 288-340, 371; Cockburn, Jeffrey, i, 305-313; Cockburn, Affairs of Scotland, 332-334, 351, 363-365, 484-485; DNB, xi, 430-431; Sir Llewellyn Woodward, The Age of Reform, 1815-1870 (2nd edn. 1962) (hereafter Woodward, Age of Reform), 660-661.

[74]4 PAMPS (1829), 15; Patronage Report, 248.

[75]ECI, xxiv (February 1825), 118, xxv (March 1826), 157; 3 PAMAA (1828), 13-14 and 6 PAMAA (1831), 8; "A Minister of the Church of Scotland," Observations on Patronage and Calls (1833) (hereafter Patronage and Calls), 45n; Mathieson, iv, 112-114.

follow their wish in filling the vacancy. By the end of the eighteenth century the policy was well established. If there were a difference of opinion among the heritors the Crown adopted the candidate of the majority, calculating a majority by land valuation. However, according to a change instituted in 1822 by Peel, the Crown undertook to present the choice of the heritors only when they were unanimous. If they were not, the Home Secretary usually looked elsewhere.[76] Often there might be but one heritor in a parish, or one far above the others in landholding, so that the royal living was virtually in the gift of a single individual. Thus, as has been noted, some patrons in effect controlled the patronage of more parishes than merely those of which they were the patrons in law.[77]

Previous to 1822 politics had at times played something of a part in the gifting of Crown livings. Some opponents of patronage particularly remarked with revulsion the rôle of Members of Parliament, if on the ruling side, as middlemen between the heritors and the government. "This

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[76]Patronage Report, 87, 154-155, 248, 269; Anderson, Edinburgh Clergy, 92; Patrick McFarlan, Thoughts on Popular Election, Patronage, and Calls; or, an Examination of Some of the Modes of Electing to the Pastoral Office (1833) (hereafter McFarlan, Popular Election, Patronage, and Calls), 17; ECI, xxiv (March 1825), 166-167.

[77]3 PAMPS (1829), 12.

was," wrote "Presbyter" to the Edinburgh Christian Instructor, "to employ church livings as an engine of state politics..." and gave the system the taint of simony in the eyes of the folk. Peel modified the practice of using Members of Parliament and Lansdowne largely abandoned it.[78]

Looking beyond heritors and Members of Parliament, the Crown on occasion consulted leading clergymen, especially if the landed interest of the vacant parish were not unanimous. Usually the Crown sought advice from the Moderate clergy of the capital. This was true especially when the government were Tory, for most of the Edinburgh Moderates were of that political persuasion. Often too, particularly after his translation to the Edinburgh divinity chair in 1828, the Crown consulted Thomas Chalmers, who although an Evangelical was also a Tory.[79]

Parishioners in parishes where the king was patron occasionally sought to make their desires known to the Crown, either directly to His Majesty's ministers or to the leading heritor. If there were a popular assistant the flock often solicited his appointment as their permanent

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[78] ECI, xxx (July 1831), 501-502; Mathieson, iv, 107; Patronage Report, 248.

[79] Patronage Report, 248, 254, 258; Debate anent Calls 1832, 83-84.

pastor.[80]

For many years, however, the Crown was not inclined to give much weight to the popular voice. When in 1793 the magistrates of Lanark conducted a four days' poll to discover the desires of the folk and subsequently applied for that individual, the Crown presented someone else. Six years later the principal heritor of Denny, Presbytery of Stirling, also held a poll and applied for the winner. When the Crown then gifted the living to that individual, it is far more likely that the government granted the desire of the principal heritor rather than that it paid attention to a popular poll.[81] In 1808 the manager, Robert Dundas, refused a request of the Burgh of the Canongate to present the minister of the second charge (of which the parish were patrons) to the first charge. Dundas wrote that for the Crown to do so would be to deprive the king of his right "for the purpose of transferring it to the parishioners."[82]

With the advent of Peel, however, something of a change of attitude took place. While granting the choice to the heritors, if unanimous, the Home Secretary also sought if possible some indication of the parishioners' approval.

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[80]Little Dunkeld Debate, 6; Patronage Report, 271.

[81]Mathieson, iv, 113.

[82]Mathieson, iv, 112n.

This was a policy, wrote the Evangelical leader, Andrew Thomson, "which is deservedly a favorite at headquarters, because none other can so effectually attach the people of Scotland to their rulers."[83]

Beginning in 1827 it fell to the Crown to present to the Parliamentary churches in the Highlands and Islands. By 1830 these numbered over forty, although they were not of course proper parochial livings. Here the Home Secretary gave the choice of presentee to the landowner who had gifted the site for the new church; expression of popular desire received no encouragement.[84]

There was one other species of ecclesiastical patronage in the gift of the Crown, appointment to royal chaplainries. The revenues of the Chapel Royal fell to the Crown at the Revolution and from the middle of the eighteenth century the practice was to gift the revenues to three clergymen who were known as Deans of the Chapel Royal. Since 1763 the Crown had also appointed a Dean of the Order of the Thistle, in that year John Jardine ("Dr Thistledean-fraud"). The Thistle Dean, if he were not already a Dean of the Chapel

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[83] ECI, xxiv (January 1825), 42, 45-46; H. W. Carless Davis, The Age of Grey and Peel (1929), 164. See also Patronage Report, 248.

[84] Scotch Church Records, i, 211-216, 218-219, 222-224, 233-234, 236-240, 242-254, 262-264, 278-280, see also 3-6, 171-172, 323-324; ECI, xxvii (September 1828), 655; CPR, 2 (April 1829), 2.

Royal, had that title, although not necessarily a share of the revenues, granted him too. As Thistle Dean he received £50 a year and an additional £50 for the installation of each new knight. In addition to the deaneries the Crown, at least since the eighteenth century, also appointed Chaplains in Ordinary. Usually from six to eight in number in the early nineteenth century, they enjoyed stipends of £50 a year. Each of the three Deans of the Chapel Royal was often also a Chaplain in Ordinary. An Almoner completed the ecclesiastical household in Scotland.[85]

Choice of these chaplains was largely political. As might be expected, therefore, Tory governments secured these positions for clergymen who were Tory and Moderate. The appointment in June 1830 of Thomas Chalmers, a Tory, to be sure, but an Evangelical, as Chaplain in Ordinary was an exception. During the Whigs' four years in office from November 1830 to November 1834 only one death occurred in the ecclesiastical household. The Whigs filled the vacancy by rewarding "old, apostoltic [Stevenson] M'Gill and Whig,"

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[85] T. B. Stewart Thomson, The Chaplain in the Church of Scotland (c. 1947), 30-55; SRO, Register of the Privy Seal, ix, 80-81, 140, 190, 423; SRO, Abercairny Muniments, 483; Scott, Fasti, i, 42-43, 62, 124; Scotch Church Records, i; Edinburgh Almanack 1827, 125-126, 164.

Glasgow divinity professor.[86]

While livings in the gift of individuals were the most numerous and while those in the gift of the Crown carried perhaps some special prestige, on the whole the most attractive livings were probably those in the gift of town councils. These charges often provided a more literate body of hearers and perhaps even a congregation of social consequence. On the average stipends were higher, and there might be an opportunity to hold a professorship as well. Then too, there was greater scope (especially in Edinburgh) for a part in the general business of the kirk. And certainly the usual amenities of urban life also could be an attraction. In 1824, as has been noted, town councils possessed the patronage of fifty-eight and one-half livings. The Town Council of Edinburgh presented to nineteen livings within its bounds, that of Glasgow to nine, Dundee six, Aberdeen and Perth four each, Paisley and Stirling three each, and Queensferry, Ayr, Dumbarton, St. Andrews, Forfar, Montrose, and Kirkwall one each. In addition Edinburgh owned the patronages of two and one-half parishes outside

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[86]Cockburn, Affairs of Scotland, 497-498; Thomson, Chaplain, 31; Scotch Church Records, I, and especially 266-269, 285-287, 351-360; Reid, Glasgow Divinity Professors, 304.

its bounds as Glasgow did of one.[87]

The corporation of Edinburgh had had the right to appoint the ministers of the burgh churches at least since 1583 when James VI granted a sett (or constitution) to the city. For most of the period up to 1762 the Town Council had shared the process of selection with the General Session. Following the change instituted then by Lord Provost Drummond and his Moderate friends, however, choice rested entirely with the Town Council.[88] The Town Council of Edinburgh was a body chosen by the incumbent members and some of the older guilds. The whole machinery of municipal government "invited criticism," the late Professor Saunders has remarked, "as alike complicated, secret and inefficient," with political decision "achieved by the pressure and counter-pressure of interest and clique."[89]

Within this machinery the Lord Provost enjoyed most importance in the dispensation of Edinburgh's ecclesiastical patronage. He often took the initiative in seeking candidates for vacancies and not unnaturally his voice carried weight in the actual voting in the Town Council. To have a

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[87]Drawn from Edinburgh Almanack 1825, 351-371.

[88]Edinburgh Patronage Case. See supra, chapter one.

[89]Saunders, Scottish Democracy, 94.

friend in the Lord Provost was, as Dr. John Lee found in his translation from the Canongate (then a separate burgh) to Lady Yester's in 1825, the best recommendation for an Edinburgh living.[90] The Lord Provost's approval, however, was not positive assurance of presentation, for a Town Council majority could choose to select another. Thus in 1810 a determined group of councilors secured the presentation of Andrew Thomson to New Greyfriars' against the strong opposition of the chief magistrate of the day. A decade later a very narrow majority obtained the New North Church for Henry Grey, Evangelical and opponent of patronage, over the Lord Provost's candidate.[91]

The Town Council's right was, of course, absolute, but powerful outside influence could make itself felt. Thus Charles Hope of Granton exerted at times considerable influence. Lord President since 1811, he had long been prominent in the public affairs of Scotland, and as a staunch Moderate was annually returned to General Assembly from the Presbytery of Edinburgh. Dr. David Ritchie, who had come to know Hope as a home volunteer in the invasion alarms of the Napoleonic Wars, owed him his presentation to St. Andrews, Edinburgh, in 1800. Probably he found Hope's friendship no

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[90]Anderson, Edinburgh Clergy, 39-40, 45, 50, 54.

[91]Anderson, Edinburgh Clergy, 64-65, 99; Scott, Fasti, v, 4.

handicap in securing as well the Chair of Logic in Edinburgh University in 1808. Dr. Andrew Grant, who had been a tutor in Hope's family, owed him, besides his presentation to the Canongate in 1808, his appointment to Trinity College Kirk, Edinburgh, 1810, to St. Andrews, Edinburgh, 1813, and also to chaplainries under the last three Hanoverian kings, and to the Deanery of the Chapel Royal, 1820.[92]

The Town Council, too, often took note of the advice of the incumbent clergy of the burgh. Thus Dr. Thomas Fleming, Evangelical Minister of Lady Yester's, was important in introducing members of the Town Council to the merits of Thomson when he obtained New Greyfriars' in 1810. Thomson in turn was influential in getting Grey transferred from the New North Church to the new parish of St. Mary's in 1825.[93] Thomson himself, however, owed to no individual his unanimous appointment in 1814 to the new parish of St. George's; his translation was the result of the general recognition of his outstanding gifts by both the corporation

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[92]Patronage Report, 96; Anderson, Edinburgh Clergy, 55, 58; George Brunton and David Haig, An Historical Account of the Senators of The College of Justice from Its Institution in MDXXXII (1832), 545; Edinburgh Presbytery, xix; ECI, xxv (October 1826), 692; Anon., Our National Church: What Is the Popular Party to Do? (1833), 30-31; Mathieson, iv, 122-123; Scott, Fasti, ii, 89-91.

[93]Anderson, Edinburgh Clergy, 99; ECI, xxviii (January 1828), 13.

and the public.[94]

Edinburgh Corporation was also patron of two and a half livings beyond the bounds of the burgh. These it owned by virtue of the fact that the fruits of these parishes had been gifted by James VI in the late sixteenth century to Edinburgh for the endowment of the university. Before the middle of the eighteenth century the office-bearers of Edinburgh consulted the wishes of the parishioners in the choice of their pastors, but with the rēgime of Drummond this largely ended, the livings becoming the absolute gift of the Corporation.[95]

As has been noted in the previous chapter, Glasgow, too, underwent a change about 1760 in the process of presentation to its burgh churches. At that time the corporation asserted its exclusive right of choice over the traditional co-operation with the General Session. Here too the municipality was under the governance of a self-perpetuating small group of men who owed their power to the mediaeval constitution and who ruled the city by what Saunders called

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[94]Anderson, Edinburgh Clergy, 100; Robert Chambers, Biographical Dictionary of Eminent Scotsmen, iv, 344.

[95]University Report 1831, 103-105, 112; Cowan, "Appropriation," ii, 112-113, 579, 603; Answers for Baillie Walker, 5-8, Edinburgh Patronage Case, i; Scott, Fasti, i, 219-221, 318-321, ii, 88-91, iv, 204-205, v, 119-121.

"a system of secret diplomacy."[96] The fathers of the city only occasionally consulted the wishes of the people. Nonetheless, their choices for the burgh churches in the years around 1824 were for the most part not unpopular. Even with the Moderate Principal Duncan Macfarlan in the Inner High Kirk (the one royal living in the burgh), the general complexion of the city's clergy was more Evangelical than Moderate. The clergy included Chalmers and Patrick McFarlan, whom the former, on going to his chair at St. Andrews, had suggested as his successor in the new model parish of St. John's. In 1830 the president of the Glasgow auxiliary anti-patronage society could claim that the city had experienced "comparatively little of the evil of patronage...."[97]

When in the early eighteenth century a new parish of Port-Glasgow was erected out of Kilmalcolm, Presbytery of Paisley, the patron of the old parish, Lord Glencairn, claimed his right to be patron also of the new living. Glasgow Corporation, however, as suzerain ("Barons and Superior") of Port-Glasgow, claimed the patronage, but settled the issue by purchasing the right from Glencairn. This

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[96] Scottish Democracy, 114.

[97] "Your Friend and Fellow-Citizen," A Serious Address to the Inhabitants of Edinburgh, 7-8, Edinburgh Patronage Case, i; Patronage Report, 96; Anderson, Edinburgh Clergy, 45; 6 PAMPS (1830), CPR, 8 (January 1831), 3, 7-8; Scott, Fasti, iii, 433-463; Disruption Worthies, 372.

was the only parish beyond the bounds of its patronal burgh other than those belonging to Edinburgh. Parishes the teinds of which had been appropriated to Glasgow University were in the gift of the university. Only Edinburgh University had the close link of foundation with the town, under which the town controlled the patronage of parishes appropriated for university use.[98]

As to the manner of appointment by town councils other than those of Edinburgh and Glasgow, there appears an almost uniform pattern similar to that of the two great cities. This was the replacement of selection or call by town councils, sessions, and sometimes heritors, with presentation by the town councils alone. These "unreformed" town councils, like those of Edinburgh and Glasgow, were close, complex, self-perpetuating corporations. The only variations in the pattern arise from the different periods at which the town councils asserted their exclusive right: In Aberdeen this comes before 1730, in Perth and St. Andrews about 1755, in Edinburgh and Glasgow about 1760, in Montrose, Forfar, and Queensferry about 1780, in Dundee in 1795, and in Stirling and Dumbarton in the first presentations of the nineteenth century. The one exception to the pattern is

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[98] Patronage Report, 87; George Neilson, "Glasgow Burghal Records, 1718-1833," SHR, xiv, 351-352; Scott, Fasti, iii, 217-218.

Paisley. There, where the dominant skilled weavers provided "a continuity of working-class culture,"[99] the Town Council, with a committee of elders, proposed a leet of three to five candidates. The councilors let the people hear the candidates preach, and then quietly went through the parish taking a poll of the heads of families of two years' communicant standing. Invariably, the Town Council presented the winner. This system had been in operation at least since 1810 and the victor had always received a clear majority.[100]

In presentations by universities to the ten livings in their gift in 1824 there were no exceptions in the pattern of absolute choice by the universities without consulting the wishes of the parishioners. "We go on in the same way that all other patrons do," remarked the Reverend Dr. George Cook, Professor of Moral Philosophy and Political Economy at St. Andrews and leader of the Moderates.[101] Of these ten livings, St. Mary's College (the theological faculty) of St. Andrews and the United Colleges of St.

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[99]Saunders, Scottish Democracy, 104.

[100]Scott, Fasti, i, 224-227, iii, 4-13, 340-343, iv, 226-238, 317-330, v, 238-240, 286, 313-332, 414-415, vi, 1-39, vii, 227; Saunders, Scottish Democracy, 132-137; Patronage Report, 96.

[101]Patronage Report, 383.

Salvator and St. Leonard at St. Andrews each held four and a half and the University of Glasgow one.[102] Most of these patronages were the remains of mediaeval appropriations, although some were modern acquisitions.[103]

The Principals and Professors at St. Andrews, or rather their families, benefited from the possession of the patronages by the colleges. Thus many, if not most, of the presentations to these parishes in the early nineteenth century went to Hills and Cooks, and other connections of the University families. For example, such was the case with the three presentees in the first third of the century to Cults, a parish the patronage of which was owned by the United Colleges. The first was the son-in-law of the Professor of Humanity (and later his successor in that chair), the second the son of a late Professor of Moral Philosophy, and the third the son of a current occupant of that chair.[104] George Cook told the House of Commons select committee on Scottish church patronage in 1834 that it would

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[102]Drawn from Edinburgh Almanack 1825, 351-371.

[103]Cowan, "Appropriation," ii, 567, 586, 604; University Report 1831, 394-395, 397, 418; Edinburgh Almanack 1825, 351-371; see also Edinburgh Presbytery, xix, 506 and Scott, Fasti, vii, 672, 677.

[104]Scott, Fasti, iii, 72, v, 140, 162, 197-198, 207, 305, 386, 404; Edinburgh Almanack 1827, 367; Edinburgh Almanack 1829, 387.

be "exceedingly advantageous that the colleges should have more patronages...." he added that these university presentations promoted "literature and science" and that these presentees proved to be as good parochial incumbents as any other class.[105]

Of the patronage of the remaining fifteen parishes of Scotland in 1824, those not in the gift of individuals, the Crown, town councils, or universities, opposing parties contended for two and various bodies and combinations of bodies had gift of the other thirteen. The patronage of many of these latter reflected a degree of popular choice. As will be seen later, the example of their practice contributed to the desire for a popularization of the mode of pastoral appointment. At the same time, however, it furnished the opponents of popular appointment with ammunition for their attack.

The most popularly owned patronage was that of North Leith, which was at the same time one of the wealthiest livings. By the act of Parliament erecting the parish in 1606, "the hail of the inhabitants" enjoyed the right of presenta-

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[105] Patronage Report, 382. For details of the patronages of the other universities see University Report 1831, 103-104, 174, 217-218, 224-225, 229, 243, 285, 311, 341-384; Evidence, University Visit, ii, 107-108, 148, 240-242, 551; Patronage Report, 449; Scott, Fasti, vi, 20, 231.

tion.[106] Very widely held too was the patronage of Rutherglen, Presbytery of Glasgow. In 1784 its owner, Campbell of Shawfield, had gifted it to the Town Council, elders, heritors, and some tenants and feuars of the estate of Shawfield. Three hundred and fifty-nine electors took part in the choice of minister there in 1827.[107]

Various combinations of public bodies possessed the patronages of eight parishes. Since the Restoration, despite an attempt of the Crown to challenge the right, the magistrates, Kirk Session, deacons of the crafts' incorporations, and heritors had the gift of the second charge of the Canongate.[108] In the parish of South Leith, at least since the early seventeenth century, the Kirk Session, incorporations, and magistrates enjoyed the right of choice for the second charge, again despite an eighteenth-century move by the Crown to assume the prerogative.[109] At Newton-upon-Ayr, a parish erected in 1779, the Town Council and heritors

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[106]Scott, Fasti, i, 154-157; ECI, xxvii (September 1828), 656 and (November 1828), 767-768; Patronage Report, 116.

[107]Patronage Report, 271-272; Debate anent Calls 1832, 86-87; Proceedings of the Commission of General Assembly, 29 May 1832, ECI, xxxi (June 1832), 434-435; Scott, Fasti, iii, 488.

[108]Edinburgh Presbytery, xix, 29; Scott, Fasti, i, 28-29.

[109]Scott, Fasti, i, 164-169.

appointed the minister.[110] In the Gorbals, a parish of the Presbytery of Glasgow disjoined from Govan in 1771, the patrons of the mother parish, the College of Glasgow, made the initial presentation. From 1793, however, heritors and feuars exercised the right.[111] In the three other parishes that had once belonged to Glasgow University--Cadder and the Monklands--the heritors and Kirk Sessions had owned the patronages since purchasing them under the Revolution Settlement.[112] At Lochwinnoch, Presbytery of Paisley, the heritors alone had possessed the power since the first years of the nineteenth century.[113]

In the three remaining parishes representative bodies exercised the patronage. Directors, probably a small group managing the fabric and finance of the church, had gift of the livings of the High Kirk of Kilmarnock and of the East Parish of Greenock. Both were recent parochial erections.[114] At St. Ninian's, Presbytery of Stirling, the parish had purchased the patronage from an individual, apparently in the

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[110]Scott, Fasti, iii, 13-14.

[111]Scott, Fasti, iii, 408-409.

[112]Patronage Report, 101; Sinclair, Analysis, ii, 38; RDPS, 2 PAMPS (1826), ECI, xxv (December 1826), 899.

[113]Scott, Fasti, iii, 152-154.

[114]Scott, Fasti, iii, 109-110, 199.

late eighteenth century after there had been great popular opposition to a presentee of 1773. There a committee of delegates--three elders, three heritors, and three heads of families--chose the minister. Sir John Sinclair of Ulbster remarked of St. Ninian's that "no heart-burnings or family quarrels seem to have taken place" and that "this is adduced as a strong proof of the excellence and peaceableness of popular elections...."[115]

As has been noted, there were in 1824, besides the proper parochial livings, some fifty-three chapel of ease livings. Like the popular exercise of patronages in the parishes treated in the preceding paragraphs, the generally widely shared choice of chapels of ease ministers also added arguments to both sides of the patronage question. This will be discussed in a later chapter. By an act of the Assembly of 1798, inspired by Moderate distrust of the Evangelical enterprise that resulted in chapels of ease, these additional places of worship could be established only by consent of the General Assembly. Their constitutions usually originated in ad hoc committees of Assembly appointed to preside over each chapel's recognition. The chapels were in law simply adjuncts of the parish in which their districts lay and their weekly collections as a rule had to be

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[115]Sinclair, Analysis, ii, 38-39; Scott, Fasti, iv, 313-315.

given over to the parish church.[116]

Although the constitutions of the chapels of ease of St. Cuthbert's, Edinburgh, provided that the Kirk Session of St. Cuthbert's should appoint the clergy of the chapels, this right, once apparently even disputed there,[117] was elsewhere in the possession of more popular bodies. Often the choice rested with those who contributed to the chapel, either voluntarily or by seat rents. Perhaps most often appointment belonged to the general body of heads of families or male communicants.[118] Sometimes the committee of managers of the chapel, a group established principally to oversee fiscal affairs, nominated a candidate for the vacancy, subject to the confirmation of the larger body. Often if this procedure were not formally prescribed managers nonetheless took the initiative.[119]

The status of these chapels of ease caused considerable concern. Their ministers were in law mere assistants

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[116]Edinburgh Almanack 1825, 369-370; Mathieson, iv, 80; Proceedings of the Assembly of 1828, ECI, xxvii (July 1828), 509.

[117]Edinburgh Presbytery, xix, 161, 219, 359-360, 362-363, 365-369.

[118]Patronage Report, 101, 305, 333; ECI, xxvi (October 1827), 729, xxvii (December 1828), 798, xxviii (October 1829), 702, 705; McFarlan, Popular Election, Patronage, and Calls, 23.

[119]Edinburgh Presbytery, xix, 74-76, 78-79, 81-83, 87-88; McFarlan, Popular Election, Patronage, and Calls, 23.

to the parochial incumbent, without seats in presbytery. This violated the principle of ministerial parity, one of the essentials of presbyterian polity. Then too, the fact that these chapels did not have their own sessions seemed a departure from the presbyterian adherence to a hierarchy of ecclesiastical courts. Despite various attempts to alleviate the situation by erecting the chapels of ease and their districts into parishes quoad sacra, it was not until the Chapels Act of the Assembly of 1834 that this was done. Although denied full status in law, chapels of ease ministers often, however, lacked no lustre. Professor David Masson remembered from his Aberdeen boyhood, for example, the great Dr. James Kidd, hearty Evangelical and staunch foe of patronage. Nominally but a mere assistant to the Minister of Old Machar, Kidd "he was...more illustrious in his way, more a king in the place, than all the rest put together."[120]

Finally there was that class of living by no means the exclusive province of men of the cloth, but connected to the established church and frequently coveted and acquired by clergymen, university chairs. The theological professorships were of course ecclesiastical livings. Because the

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[120]Sinclair, Analysis, ii, 54-55; ECI, xxv (January 1826), 76 and xxviii (October 1829), 702-703; Mathieson, iv, 363-364; Masson, Two Cities, 204; SHR, iii, 511.

other chairs had both a religious link and often clerical incumbents, it is perhaps not inappropriate to follow tradition and consider all university livings when treating of the ecclesiastical establishment.[121]

The Crown was the largest possessor of university patronage. In the United Colleges of St. Salvator and St. Leonard at St. Andrews the Crown presented the Principal and the Professor of Mathematics.[122] In St. Mary's, the theological faculty of St. Andrews, the Crown had gift of all four livings.[123] At Glasgow the Crown was patron of the principalship and nine other professorships.[124] At King's, Aberdeen, the Crown owned the patronage of but one chair, while at Marischal, by virtue of the forfeiture of the Jacobite Earl Marischal, the Crown had the gift of the

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[121] ECI, xxvi (October 1827), 729; Evidence, University Visit, ii, iii-xiii; University Report 1831, 33, 286, 344, 389-390; Lehmann, Millar, 19; Edinburgh Presbytery, xix, 529, 531.

[122] University Report 1831, 390, 399; for the very different provisions for appointment in the middle ages see 387-388.

[123] University Report 1831, 399, 405, 389 (for mediaeval practice); Scotch Church Records, i, 97-99, 190-191.

[124] University Report 1831, 217, 224-225, 241; for mediaeval practice see James Cooper, "The Principalships of the University of Glasgow before the Reformation," SHR, xi, 255-258, 262. For the principalships generally see University Report 1831, 119, 244 and Alexander Morgan, Scottish University Studies (1933), 26, 29.

principalship and the five oldest chairs.[125]

In choosing its presentees the Crown took advice from the universities themselves, from various magnates, particularly those who, like the chancellors, were interested in the university concerned, and, perhaps most importantly, from the leaders of the kirk. At the turn of the century, in fact, the governing Moderates appear even to have convinced the Dundases that whenever possible even the non-theological chairs ought to be given to Moderate clerics, in order to strengthen the government's interest. The Whigs too, when they came to power after 1830, were to take cognizance of party. Thus their presentation of the Reverend Dr. David Welsh, Whig and Evangelical, to the Regius Chair of Ecclesiastical History at Edinburgh in 1831 was, in Professor Masson's words, "such an appointment as a Whig ministry might have been expected to make."[126]

With the exception of two chairs in King's College in the gift of Aberdeen Town Council, all the university livings in the patronage of town councils were at Edinburgh. There the Corporation possessed the right to present the

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[125] University Report 1831, 343-344, 349-350, 355-357. See also HMC, Third Report (1872), 369.

[126] Scotch Church Records, i, 97-99, 190-191; Masson, Two Cities, 100; David Welsh, Account of the Life and Writings of Thomas Brown, M.D., Late Professor of Moral Philosophy in the University of Edinburgh (1825) (hereafter Welsh, Brown), 164-166; Lehmann, Millar, 19, 44.

Principal and twenty-four of the thirty-two professors. The Town Council exercised the patronage of most of its chairs without any restriction, but in some instances it was legally obliged to consult other bodies in selecting a presentee.[127] In dispensing this patronage the Town Council of Edinburgh functioned in response to the exertions and influence of interested parties in much the same manner as in the dispensation of its other patronage. The usual procedure was that a candidate, or his friends, solicited as many recommendations as he could. These he sought from men of consequence, from leaders of the church, the bench and bar, and the intellectual world, not least from the university faculty.[128]

The colleges themselves possessed almost as much of the total university patronage as did town councils, some twenty-seven chairs in all. At the United Colleges the colleges presented to four of their professorships and the whole University of St. Andrews to one. The faculty chose whomever they pleased. They often turned to old students of worth, as well as to their own connections as in the exercise

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[127] University Report 1831, 14-15, 99, 117; Morgan, Scottish University Studies, 2; Edinburgh Almanack 1825, 350.

[128] See for example Welsh, Brown, 163-177; Anderson, Edinburgh Clergy, 4; and Cockburn, Affairs of Scotland, 444, 456-457.

of their parochial patronage.[129] At the University of Glasgow the College had the gift of nine of the twenty livings. Like the Crown and town councils, the College was open to the influence of men of standing. Thus, characteristically of the age of Moderatism, a recommendation from Hume had been of use to a successful candidate for the Divinity Professorship in 1778. In 1814, on the other hand, it was recommendations from the Evangelical leaders, Moncreiff Wellwood and Thomson, that secured that chair for M'Gill.[130] At King's, Aberdeen, the Senatus, together with the Rector and the Procurators of the Nations, presented to eight of the ten livings.[131] Only three professorships, as has been noted, were in the gift of individuals in 1824.[132]

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[129]University Report 1831, 399.

[130]University Report 1831, 218, 258-259; Reid, Glasgow Divinity Professors, 268-269, 296.

[131]University Report 1831, 323.

[132]Scott, Fasti, v, 140; University Report 1831, 346, 355-357, 404; Masson, Two Cities, 210.

CHAPTER III

POINTS OF ATTACK

Although broad principles--evangelical, irenic, and democratic--came to provide, as we shall see later, a theoretical basis on which to espouse the reform of church patronage, the initial impulse to improve arose from the actual state of the exercise of patronage. To the operation of the system the advocates of reform attributed an imposing array of "evils"; to the mode of clerical appointment they imputed almost any ailment suffered by Ecclesia Scoticana. William Cunningham, one of the ministers of Edinburgh, told the House of Commons select committee on Scottish church patronage that

> there probably never was a case in which unsound principles and injurious practical consequences were more obviously connected as cause and effect, than in the case of the restoration of patronage in Scotland by the law of 1712.[1]

The proponents of reform objected to the character of patrons and to the prevalence of presentations made on the basis of political interest, of friendship and nepotism, or even of simony. They objected to the injurious effects of the system on young men seeking presentation and the

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[1] Patronage Report, 277.

resulting undesirable type of cleric incumbent in so many parishes, that enemy to true faith and morals, the Moderate minister. Not only did the proponents of reform object that the wrong kind of clergyman got almost all the livings, They objected too that some of these Moderates were also pluralists of a sort, and further, that many worthy, i.e. Evangelical, licentiates suffered great difficulty in securing any presentation at all. Nor did this exhaust the list of charges laid to patronage. The proponents of reform saw the eldership in a state of decline, the building needs of the church sorely neglected, the spread of secession and dissent and even of irreligion, and found the root cause of all these evils in the system of patronage.[2] "Everywhere," reported the directors of the society for improving patronage, "the fruit has been coldness and death."[3]

Even before looking to the evils attendant upon and resulting from the act of presentation, the opponents of the system took exception to the patrons themselves, to the character of many who exercised the power of appointment. This consideration they thought all the more important for the fact that to a large extent the patron was accountable to no one.

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[2]See for example [Bridges], Appeal, 6; ECI, xxiv (January 1825), 48-49; "Kurioikouphilos," Vox Populi.

[3]RDPS, 2 PAMPS (1826), ECI, xxv (December 1826), 897.

> The patron may betray his trust; but none dare call him to account. He may abuse his right of patronage, by thrusting a killer of souls on a people; but none dare complain. As he may gamble away his estate, or make it a nest of vagabonds without aught to make him afraid, so he may prostitute his right of patronage to the vilest purposes, without any, while he keeps within the accommodating limits of the law of simony, being able to touch him.[4]
>
> His fiat is irreversible.[5]

Advocates of reform objected not only to the license of exercise granted patrons, but also to the circumstance that this right of patronage could be held without having any other interest whatever in the parish. It could be, and was, bought and sold quite by itself, without reference to the ownership of land (a "naked" patronage). This was done in much the same way as, and sometimes as a part of, superiorities, which conferred parliamentary franchise in the pre-Reform era. Sometimes too, if not completely without land in the parish, the patron was only one of the lesser heritors.[6] Reformers argued that "the principle...that men simply on the ground of property...should have the nomination and appointment of Christian ministers, is so utterly

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[4] 3 PAMAA (1828), 12.

[5] ECI, xxiv (January 1825), 50.

[6] Patronage Report, 29, 70, 145, 447; ECI, xxvi (April 1827), 257-258, xxvii (April 1828), 293; [Bruce], Kirkiad, 34-35.

opposed to all sound principle."[7] Nonetheless it was, as we shall see later, on a scheme to purchase patronages that the concerned Evangelicals first placed their hopes for improvement.

The patron might very likely not be a parishioner in the parish of which he had the right of presentation and might therefore have no interest in the parish other than its patronage. Or if technically a parishioner, he might reside mostly outside the parish.[8] He might also be a servant of hostile interests. To begin with, he might not belong to the established church. The only religious qualification was that Roman Catholics could not present.[9]

Many of the upper ranks of society, to which most patrons belonged, were Presbyterians of the establishment.[10] A great number, however, were dissenters; especially were they Episcopalians. Although Lord Moncreiff, Evangelical Senator of the College of Justice, thought Episcopalian

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[7]Patronage Report, 275, see also 248.

[8]Saunders, Scottish Democracy, 14-15, 28, 377.

[9]Dunlop, Law of Patronage, 138; Dunlop, Parochial Law, 318; Patronage Report, 168. In England if a patron were a Roman Catholic the right devolved for the time on Oxford or Cambridge Universities (Quirinus Breen, "Advowson," Virgilius Ferm, ed.; An Encyclopedia of Religion (1945), 7.)

[10]See for example SHR, iv, 330.

patrons friendly to the establishment and competent to present,[11] the rest of his party in the kirk hardly shared his view.

Although some families of the patronal class had been of the Episcopalian persuasion since before the Revolution, to a large extent the growth of this attachment came as part of that recent process of general Anglicization to which the aristocracy and gentry of Scotland subjected themselves.[12] A "Layman" remarked that "so many of our nobility and rich country squires have deserted the faith, which it was the glory of their ancestors to have founded and cherished.... Episcopacy seems...connected with gentility."[13] A "Presbyter" thought Episcopalianism was gaining among the upper classes because it was "the religion of the court...as well perhaps as...more fashionable than the simple and unornamented garb of Presbytery." He at the same time lamented the preference of Episcopalian patrons for Moderate

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[11] Patronage Report, 190, 217.

[12] Saunders, Scottish Democracy, 28. ("A True Lover of Britain" [Moray McLaren], gives a colorful account of Anglicization in his pamphlet Union Compleat: An Humble Proposal (1962).)

[13] "A Presbyterian Layman," Hints for the Consideration of the Orthodox Clergy of the Church of Scotland; Suggested in Consequence of a Meeting Lately Held in Edinburgh, on the Subject of Church Patronage (1825) (hereafter "Layman," Hints), 3-4.

presentees.[14] And Sir John Sinclair of Ulbster noted that "the fashionables of Edinburgh seldom associate with the Scotch clergy, though, when an English or Irish bishop comes there, he soon gets into the very first society...."[15] The most delightful evocation of the preferred place given Episcopalianism by the patronal class was by that charming little girl of precocious intellect, Marjory Fleming, who had strong connections with the "better" strata of society. She wrote in her diary: "An Annibabtist is a thing I am not a member of--I am a Pisplekan just now [in Edinburgh], and Prisbeteran at Kirkcaldy my native town."[16] The denominational position of a great Edinburgh figure of "Pet" Marjory's day is also illustrative. Sir Walter Scott was a member and an elder of the Scottish Church, though probably in later life, as he rose in rank, "he preferred the Episcopalian form of worship."[17]

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[14] ECI, xxx (July 1831), 500-501.

[15] Sinclair, Analysis, ii, Appendix, 12.

[16] John Brown, Rab and His Friends and Marjorie Fleming (1900); Douglas Guthrie, "Marjory Fleming, 'the youngest immortal,'" The Scotsman, 9 November 1963. I am indebted to Dr. Gilbert Highet, Columbia University, whose broadcast talk on "Pet" Marjory first acquainted me with the subject.

[17] A. V. Dicey, "Thoughts on the General Assembly of the Church of Scotland under the Constitution of 1690 (1690-1707)," SHR, xiv, 214. For the Episcopalianism of the upper classes see also Evangelical Magazine and Missionary Chronicle, n.s., vi (April 1828), 148 and Sinclair, Analysis, ii, 53.

Not only were there a great many laymen of the "English" ecclesiastical inclination in the patronal class, but also in this upper sector of society were some Episcopalian clergy.[18] Among the landowners of Aberdeenshire there was even a Church of Ireland bishop.[19] Although none of these dissenting clerics was actually a patron, yet they were of that class whence came patrons and no law would have disqualified them.

It is difficult to determine (and the present writer has not attempted it) how many patrons actually were outside the establishment. One pamphleteer thought a majority of all patrons were Episcopalians.[20] Certainly the holder of the second largest number of patronages in the gift of private individuals, the Duke of Buccleuch and Queensberry, would head any such enumeration.[21] And as the Reverend Professor David Welsh pointed out in 1834, equally lying "under the same objections" of Episcopalian affiliation was

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[18]Mathieson, iv, 222. See also [James Bridges], View of the Political State of Scotland...1811.... (1812) (hereafter Political State 1811).

[19]Edinburgh Almanack 1825, 174.

[20]"Layman," Hints, 4; see also Patronage Report, 441.

[21]Drawn from Edinburgh Almanack 1825. There is perhaps no more striking evidence of that nobleman's Episcopalianism than his tomb within his "English" chapel in the grounds of Dalkeith Palace.

the greatest patron of all, the Crown.[22] The day when a British monarch would become, despite the English hierarchy, a communicant member of the Scottish kirk was still some decades in the future.[23] Then too, ministers of the Crown through whom the royal livings were dispensed, belonged with few exceptions to the southern establishment.

Episcopalian patrons, however, were not the worst species to which the proponents of reform raised their loud objections. They saw both possibility and precedent of popish patrons. The Act of Anne had provided for the exclusion of Roman Catholics from presentation by obliging any suspected papists to purge themselves of suspicion by oath.[24] Thus a Roman Catholic owner of a patronage could not directly present. He could, however, do what amounted to the same thing, "give a commission for the time to his agent

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[22]Patronage Report, 248.

[23]For Queen Victoria and the Church of Scotland see John Stirton, Crathie Parish Church: A Brief Historical Account (n.d.), 9; George B. Burnet, The Holy Communion in the Reformed Church of Scotland, 1560-1960 (1960), 285-286, 290; T. B. Stewart Thomson, The Chaplain in the Church of Scotland (ca.1947), 47-55.

[24]Dunlop, Law of Patronage, 136-137; the Act of Anne was amplified in this respect by 5 Geo.I. c.29, Dunlop, Parochial Law, 238; Patronage Report, 133-134; Notes on the Question in Dependence before the Presbytery of Inverness, Respecting the Presentation to the Parish of Kiltarlity (1822), 9-13.

or factor to do it for him."[25] James Bridges, the secretary of the anti-patronage society, put it this way to a responsive Aberdeen audience:

> And what does the paltry requisite of the Act of Parliament, that Patrons shall be "Protestants," ensure...? He may belong to...anything which merely protests against popery.... Nay, let me tell you, by a little dexterous but simple management, he may be, in the face of this pitiful act of Parliament, a Papist itself, (hear, hear) and his presentation, (rightly managed) will be as good as if he were orthodox to the backbone. (Hear, hear, hear).[26]

Bridges made his statement undoubtedly with one specific case in mind. In 1821 the patron of Kiltarlity, Presbytery of Inverness, Thomas Alexander Fraser of Lovat and Strichen, an avowed Roman Catholic, succeeded in presenting his choice, although by indirect method of giving his commission therefor to a Protestant.[27] In the case of Kiltarlity a group of parishioners appealed to the Court of Session for an interdict to prevent the settlement. The appellants claimed that the patron was not qualified to

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[25] Patronage Report, 70, 133-134.

[26] 3 PAMAA (1828), 13.

[27] Notes on...Kiltarlity, 5; Scott, Fasti, vi, 470; Patronage Report, 102, Appendix, 46-61. Although a minor, it would seem that the patron, had he not been a Roman Catholic, could have acted in his own name (Dunlop, Parochial Law, 234). Actually, Lovat and Strichen's factor, acting as his tutor (guardian), had presented to Strichen, Presbytery of Aberdeen, on his pupil's behalf in 1806 (Scott, Fasti, vi, 243).

present. The court found, however, that parishioners had no title in the case, no right to be considered parties of interest. The Presbytery of Inverness then appealed on similar ground to General Assembly, but that court affirmed the presentation. The settlement, by a minority of the presbytery and a committee of the synod, took place only after violent resistance on the part of the parishioners. The call had been signed by only five of the folk, all servants of the patron. A number of the people refused to worship in the church and went five miles distant to hear service in another parish. Much of the hostility eventually receded. In fact, the new incumbent, a former missionary in that part of the Highlands, proved "a laborious and useful minister."[28]

In the 1820's the opponents of the patronage system were not much concerned with patrons who were not members of the kirk other than the Episcopalians and Roman Catholics. Probably there were only one or two livings in the gift of seceders.[29] In the early 1830's, however, a new concern drew attention. This concern centered on patronages in the hands of those avowed enemies of establishment, the voluntaries. At least one individual patron, Benjamin Dunbar

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[28]Scott, Fasti, vi, 470; Notes on...Kiltarlity, 6-21, Appendix, 33-36; Patronage Report, 296; ECI, xxvi (March 1827), 246.

[29]Sinclair, Analysis, ii, 39.

Sutherland, Lord Duffus, who had the right to present to Wick, openly aided the disestablishmentarian cause.[30] Even more fearful was the fact that voluntaries had secured, especially after reform of the burghs in 1833, seats on many town councils (altogether patrons to about sixty benefices). In a few corporations they even had a controlling majority.[31] Perhaps the worst situation was that of the Town Council of Glasgow, among whose members were even sectarian "lay preachers," who were "animated with fiery zeal against the established religion of their country."[32] That men of such sentiment should have power of appointment in the kirk was anathema.

No less to be feared as patrons were the heretical, the godless, and the immoral. Concerned Evangelicals charged that the law was no barrier to the exercise of patronage by Socinians, Arians, Deists, Unitarians, infidels, atheists, or the excommunicate, and that there were indeed patrons of these descriptions.[33] Too, some patrons were men of loose morals and little piety, exposing in their persons

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[30] Patronage Report, 292.

[31] Patronage Report, 274.

[32] Patronage Report, 299.

[33] ECI, xxiv (January 1825), 50, xxv (December 1826), 896-897, xxvi (December 1827), 815, xxvii (April 1828), 293; Patronage Report, 218-219, 275.

the worst side of their class. And even if no other fault could be found, the proponents of reform could charge that "patrons are in many instances too far separated from the body of the people by rank and education, and taste and habit," to be fit judges of the pastoral needs of a parish.[34] Similarly, often perhaps as a result of this social gulf between patron and people, the indifference of patrons provided a point of attack; particularly was this charged with respect to the Highlands, where

> men have been appointed to the care of souls of thousands...with the same indifference, and in the same manner as they would choose a rustic to serve in the ranks of our militia. But would a Right Hon. Patron engage the lowest servant in his establishment in the same manner?[35]

Some at least would not by any means have done so, for indeed a number of patrons readily merited Evangelical approval. Witness the family of Shaw Stewart of Greenock and Blackhall, patrons of four livings in the Presbytery of Paisley, including two of the three parishes of Greenock. They won praise for conscientious exercise of their trust.[36]

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[34] 4 PAMPS, 1829, 15; Patronage Report, 248, 275; [Bruce], Kirkiad, 34-35.

[35] ECI, xxv (October 1826), 757. The eighteenth-century custom of having prospective presentees preach before the patron (see HMC, Polworth MSS, v, 88-89) seems to have disappeared.

[36] CPR 12 (September 1832), 6.

Sir James Colquhoun of Luss, patron of two benefices in the Presbytery of Dumbarton, had "purchased no less than six patronages" in Caithness, "and at a high price," from his father-in-law, Sir John Sinclair of Ulbster, who was badly in debt.[37] Luss received credit for having made the purchase "for the noble purpose of serving the cause of our Redeemer, by supplying these parishes with able and devoted pastors"; and that secondary motive was also a real one.[38] Even a family outside the establishment, the Grahams of Airth, patrons of that parish and of Bothkennar, both Presbytery of Stirling, drew praise, for their habit of gifting the choice of pastor to the people.[39]

Some patrons showed their interest in the kirk by serving as elders. To be sure, Sir George Clerk of Penicuik, Wauchope of Niddry, Professor Hercules Scott, and Ulbster too,[40] were more likely to vote with the Moderate party in the Assembly. Yet it could not be said that they

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[37]For the transaction see Mitchison, Agricultural Sir John, 229-230.

[38]Speech of...Hamilton, Strathblane, 2.

[39]Sir John Sinclair of Ulbster, ed., The [Old] Statistical Account of Scotland (21 volumes, 1791-1799), xvii, 296; Sinclair, Analysis, ii, 39.

[40]SRO, Clerk of Penicuik Muniments, Box 138, Items 4108-4112; Edinburgh Presbytery, xix, 41 and passim; Little Dunkeld Debate, 90-91; Mitchison, Agricultural Sir John, 121, 264-269.

were indifferent patrons. Then too, the Evangelicals counted in their ranks elder-patrons like the Marquess of Tweeddale, John Norman Macleod of Macleod, and James Douglas of Cavers; and Ulbster was more than balanced by his son George, Younger of Ulbster, and his son-in-law, Luss.[41] Further, if not all actively Evangelical, a number of patrons and their spouses did subscribe with name and money to various Evangelical causes. Heading the list was none other than that Episcopalian owner of many patronages, the Duke of Buccleuch and Queensberry. With him in these endeavors were his duchess and the Duke of Atholl, the Duchess of Gordon, the Marquesses of Huntly and Lothian, the Earl and Countess of Leven and Melville, the Earls of Galloway, Glasgow, Moray, and Rothes, and the Dowager Lady Torphichen.[42]

However, even if a few patrons merited Evangelical approval, this was guarantee neither of the institution's worth nor of continued enlightened exercise. The analogy from slavery seemed pertinent. The directors of the

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[41] Little Dunkeld Debate, 90-91; Mitchison, Agricultural Sir John, 202, 228-229, 261-262, 267-268; infra.

[42] Ford K. Brown, Fathers of the Victorians: The Age of Wilberforce (1961), 256, 342, 354-355, 358-359, 412; ECI, xxvii (August 1828), 580. ("...the great Evangelical of the North, the Duchess of Gordon...was converted to true religion chiefly by Lady Leven, John Thornton's daughter...." Brown, Fathers, 412).

anti-patronage society wrote that "there are good patrons, as there are good slave-holders, but that fact does not, in either case, affect the principle."[43] Dr. William Hamilton, Minister of Strathblane, Presbytery of Dumbarton, carried the illustration further:

> Is slavery itself a blessing, because the humane son may render the lot of those negroes whom his father reduced to bondage, more comfortable...? Look at their black brethren on the next plantation, writhing beneath the lash, and subjected to every species of outrage and oppression, and you will see the real nature of slavery. If the son treat his bondsmen with kindness, the grandson may treat them with cruelty.[44]

One evil, perhaps minor, but nonetheless annoying, arose from the process of presentation. This was the possibility of a prolonged vacancy in a parish. Previous to an act of 1814 patrons had been entitled to retain the fruits of vacant benefices, for "pious uses" to be sure. Thus the General Assembly of 1715 had complained of the practice of patrons presenting clerics of great eminence to ordinary parishes, expecting their refusal, so that the fruits might be the patrons' during an additional period of delay. After the act of 1814, however, this income went to the fund for

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[43]RDPS, 4 PAMPS, 1829, 3.

[44]Speech of...Hamilton, Strathblane, 6; see also Patronage Report, 69.

widows and orphans of ministers.[45] This did not end completely the evil of prolonged vacancies. Both before and after this change a number of parishes remained long unfilled because of legal disputes over the possession of the patronage. Involved and costly litigation between two or more claimants of the right, one of the parties often the Crown, meant perhaps that "the people are left for years as a flock without a shepherd." Some lawsuits took as much as two decades to complete.[46] During the later 1820's and early 1830's at least two such cases seem to have been before the Court of Session at any given time.[47]

If the advocates of reform counted prolonged vacancies a minor evil, they gave great attention to the subordination in presentations of pious to political considerations. The Reverend Professor Stevenson MacGill of Glasgow put the case that "it is quite notorious that patrons very generally made, and do make, their patronage subservient to their political interest." He was widely echoed.[48]

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[45]Dunlop, Parochial Law, 319; Gibson, Stipend, 84, 118; Patronage Report, 87.

[46]Sinclair, Analysis, ii, Appendix, 4; Patronage Report, 87, 270-271; ECI, xxv (November 1826), 766; 3 PAMAA (1828), 12.

[47]3 PAMPS (1829), 12; Debate anent Calls 1832, 92; ECI, xxv (November 1826),766.

[48]Patronage Report, 97, 217, 312; Sinclair, Analysis, ii, 9-10.

The political uses of church patronage were particularly important in the period before 1832. Under the old régime the forty-five Scottish members of the House of Commons were chosen by something like 3,000 electors. These were landed proprietors and a few "paper voters" (holders of superiorities only) in the shires, and members of close corporations in the burghs.[49] The political aspirant who had church patronage to dispose might promise an elector a living for his children's tutor or anyone he cared to advance in return for support.[50] Too, it was useful in districts where one wanted political influence to appoint a clergyman of powers who would, on the patron's behalf, gain sway over the mind and feelings of the electors. This especially was so in burghs. Objectors to the system even pointed to a case where a clergyman actually threatened to damage a patron's political power if the latter did not present a friend of the ecclesiastic to a vacant charge.[51]

Individual patrons, however, were not the only type who aroused the objections of the Evangelicals by mixing

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[49]Craik, Century of Scottish History, 557; [Bridges], Political State 1811, 5; George S. Pryde, Central and Local Government in Scotland since 1707 (1960), 11; Woodward, Age of Reform, 26; Edinburgh Almanack 1825.

[50]ECI, xxiv (January 1825), 51-52; Patronage Report, 28, 278.

[51]ECI, xxiv (January 1825), 52.

politics with presentations. The Crown no less provided a point of attack in this regard, in the early nineteenth century as it had during the eighteenth. David Welsh, Regius Professor of Ecclesiastical History in Edinburgh University, could state that "in the great majority of instances...it has been a common rule" of the Crown "to give churches for merely political motives."[52] So one gentleman, writing to the Lord Advocate recommending his children's tutor for a parish, wrote: "I can warrant his good principles toward the present Govt...."[53]

Welsh added that "persons appointed were almost always of one party."[54] His reference here was to the ecclesiastical party of the Moderates, so long the beneficiaries of the Crown's favor. He asserted that there was a correlation between Moderatism in the Church and Toryism, the usual complexion of the government until 1830.[55] One Evangelical, in a letter to the editor of the Edinburgh Christian Instructor, put the situation in this manner:

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[52] Patronage Report, 248.

[53] Mathieson, iv, 107.

[54] Patronage Report, 251.

[55] Patronage Report, 258. The problem of correlation between ecclesiastical and political parties will be taken up at the end of Chapter eight.

> The art of the moderate party...is to persuade... the ministry, that they are the strength...of the church; that if they are not supported, everything will go to destruction; that if their friends are not taken, the churches will be filled with... designing ministers, who will teach rebellion and opposition to the people; and that, if they have not the lead, the kingdom of Satan will be erected in our happy country.[56]

A bit later he remarked that the Moderates excluded Evangelicals from Crown livings by representing to the government

> the danger of promoting the advancement of serious and religious young men, because all such, they pretend to believe, are tinctured with principles inimical to government. As soon as a conscientious man is proposed for a situation in the church, the cry is raised by them, a saint! a whig! a hypocrite! and their whole influence is employed to keep him out of the church.[57]

Political considerations also influenced presentations to university chairs in the gift of the Crown. Thus was Thomas Brown, the eminent philosopher, passed over a number of times when he was a strong candidate for regius professorships in Edinburgh University, because his politics differed from those of the Dundases. Eventually Brown was appointed by the Town Council to a chair in their gift. The plight of the metaphysician prompted his biographer, Welsh, to attack

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[56] ECI, xxv (March 1826), 157.

[57] Ibid.

> that spirit that would sacrifice the interests of literature and religion to the unworthy purposes of a servile ambition; making patronage to be considered not as a sacred trust for the benefit of those for whom it is granted, but as a source of personal advantage, or an instrument of party power...the reward or the bribe for political subserviency.[58]

Political preferment, however, was no unmixed blessing to the Moderates. Enjoying the favour of government meant also that they had to face the disrespect of much of the populace. During the economic distress of 1816, for example, speakers at popular meetings struck out at the "reverend hirelings" of the government. The folk excoriated those who had attempted to convince their parishioners that they were "suffering under the visitation of the Almighty, and therefore ought to be submissive under the chastening stroke."[59] This subserviency to government, this subversion of piety to party, this seeking of preferments by political influence, writes the perceptive historian William Law Mathieson, led in large part to the general decline of Moderatism.[60]

If preferments served political ends, so too could they serve the ends of friendship and family. Thus nepotism

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[58]Welsh, Brown, 167-168.

[59]Account of...Meeting...Kilmarnock.... (1816), 31-32; Report of...Meeting...Kilbarchan.... (1817), 23.

[60]Mathieson, iv, 75.

served as a point of attack for the proponents of reform.[61] Although the emoluments of most livings were not alluringly handsome, yet they were a good, steady income and not without attraction.[62] A benefice could be used as a dowry. A niece or daughter of little natural endowment could "be made beautiful in the eyes" of a young cleric "by the attractiveness of a presentation."[63]

One notable case of the usefulness of marital connection is that of George Husband Baird, whose second name was said to represent his chief title to the numerous offices and honors that were his. His father-in-law was Lord Provost of Edinburgh. Within a year of his marriage the obscure young minister had been made pastor of New Greyfriars and Professor of Oriental Languages and Principal of the University, all posts in the gift of the town, as well as Doctor of Divinity, an accolade also secured for him by his wife's father. Dugald Stewart, the great philosopher, noted the "almost universal regret and astonishment" that a man of no known talents had succeeded the distinguished Robertson as head of the university; but Baird's position

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[61] ECI, xxv (December 1826), 900.

[62] See supra, chapter two, for the emoluments of the Scots clergy; see also Debate anent Calls 1832, 88.

[63] 3 PAMAA (1828), 13.

was security for life.[64] A parochial stipend was "a cheaply bought annuity" and could provide for any dependent, friend, tutor, or even factor.[65]

Illustrative also is the case of the parish of Glassary, Presbytery of Inverary. In 1779 the patron, Archibald Campbell of Knockbay, presented Dugald Campbell, primus, of Auchinellan, who may or may not have been a near relation. Sometime before 1825, however, Auchinellan bought the patronage himself, thus becoming patron of his own living, for in that year he presented as his assistant and successor his second son, Dugald, secundus. Some members of the presbytery, however, repeatedly questioned young Dugald's competence. It was not until 1830, after a long course of ecclesiastical appeals and four years after his father's death, that the presentee was ordained and admitted. Dugald, secundus, had no sons and his elder brother, who had secured a parochial living from the Prince Regent, had died without issue. Thus the new patrons, the daughters of the younger Dugald, gifted Glassary on their father's death to a nephew of his, a son of a daughter of Dugald, primus. The

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[64]Mathieson, iv, 94-95&n; Scott, Fasti, i, 68-69.

[65]3 PAMAA (1828), 13; Thomas Murray, Biographical Annals of the Parish of Colinton (1863) (hereafter Murray, Colinton), 70.

initial purchase had indeed proven fruitful.[66] Yet another case where family connection counted much in the exercise of patronage was in the livings of St. Andrews University, enjoyed over a number of generations by the interrelated Hills and Cooks and their kin.[67]

If, however, the ambitious licentiate could not secure a presentation through political, friendly, or family influence, he could, albeit with some care, turn to one remaining method, simony. This was a frequent point for attack on the institution of patronage.[68] Archibald Bruce, seceder clergyman and political radical, put it this way in his mock epic, The Kirkiad:

> Or should none of these arts prevail,
> The last resource can never fail:
> It calls for no uncommon talents
> To urge some golden arguments,
> Whose weight the dullest can't resist:
> A sot may feel them with his fist.
> So Jove, when other arts were vain,
> In show'r of gold did Danae gain.[69]

Simony is named for Simon Magus, who sought to buy the power of the Holy Spirit from the Apostles (Acts 8:

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[66]Scott, Fasti, iv, 7-8, 17; Patronage Report, Appendix, 77-83.

[67]See for example Patronage Report, 382-383, and supra, chapter two.

[68]See for example Patronage Report, 277.

[69][Bruce], Kirkiad, 33.

18-24). It was not until the late third century, however, that simony reared its vicious head and the earliest legislation against it did not come until about A.D. 300. Thenceforward the attempt to purchase ecclesiastical offices drew the full legal condemnation of the church. Even so, the incidence of the vice survived in many places and ages. In Scotland, although the law uniformly punished the practice when found, it was far from unknown. Simony provided one of the chief grounds of complaint against patronage in the seventeenth century and after the restoration of patronage in 1712 it was one of the great evils whose reappearance was feared.[70] The General Assemblies of 1753 and 1759 found it necessary to pass strong enactments against the vice and every candidate for licensure had the law read to him as part of his trials.[71] Proof of a "simoniacal paction" rendered presentations null.[72]

But the law, charged the advocates of reform, was no security against simony. The oath, for instance, touched only one party and did not apply to the patron. As the Reverend Dr. Robert Burns of Paisley said, "we know well

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[70]Patronage Report, 87, 277.

[71]Patronage Report, 98; Edinburgh Presbytery, xix, 25, 35-36.

[72]Dunlop, Parochial Law, 269.

that there may be simoniacal pactions, of which the presentee knows nothing."[73] Andrew Thomson, Evangelical leader and founder of the anti-patronage society, put the case as follows:

> We have laws against simony. But how often are they enforced? Not once in a hundred times that the law is violated.... So artfully is the affair managed, that though there is not a single doubt of the misdemeanour, and though you can establish it to the satisfaction of every candid mind, that simony has been really committed, you may not be able to establish it to the satisfaction of a court of law,--and, I fear, you may have still greater difficulty to establish it to the satisfaction of an ecclesiastical court,--such is the passionate attachment of certain ...persons to the law of patronage...at the expense of...Presbyterian polity.[74]

Although Sir John Sinclair thought that "even the reports of such practices" were rare,[75] the opponents of the patronage system thought that it was far more common than realized.[76] Thomson charged that the law, the courts, and experience had taught patrons to regard patronage as mere merchandise and that they had found it

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[73] Patronage Report, 98.

[74] ECI, xxiv (January 1825), 52; see also Patronage Report, 305.

[75] Sinclair, Analysis, ii, 20.

[76] 3 PAMAA (1828), 12; 5 PAMAA (1830), 6; CPR, 6 (June 1830), 1.

> a pretty lucrative species of property....A parish becomes vacant, and the patron...considers...who will give most money for the presentation; and... there is generally no lack of offerers, when the views and practice of the patron are understood.[77]

The Reverend Dr. James Kidd, the Evangelical leader of Aberdeen, gave his estimate of simoniacal prices for presentations in a brief visit to hell for the benefit of a Glasgow audience. He imagined the wrath of the condemned souls from a parish to which the patron had presented an unedifying minister:

> I see two stand, and a great multitude near them. I perceive it is a patron, and a hireling who bought his living for £500 or £600; they curse the patron, he curses the hireling; the people load them both with unutterable execrations.[78]

The evil of simony was more than just a possibility. The proponents of reform could point to an overture of the Synod of Aberdeen to the General Assembly complaining of the vice and calling for additional precautions.[79] They could point also to a number of actual cases.

In November of 1817 the parish of Kilmalcolm, Presbytery of Paisley, fell vacant. One Robert Cameron, a licentiate of the Presbytery of Glasgow, had been seeking a living since 1804. Now, almost fifty years of age, he at

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[77] ECI, xxiv (January 1825), 52.

[78] CPR, 8 (January 1831), 8.

[79] Patronage Report, 278.

last had his opportunity. The family of Cunninghame-Graham of Gartmore and Finlaystone, patrons of Kilmalcolm, offered the patronage for sale. A merchant in Liverpool, acting as intermediary, bought the right and re-sold it to Dr. William Anderson, a writer at Glasgow. Anderson in course, covertly acting for Cameron, presented his client, who lived to enjoy the benefice for some twenty-three years.[80]

In 1820 no less a patron than the Town Council of Edinburgh sold the patronage of Dunbarney, Presbytery of Perth, vacant that year, to William Anderson, a merchant of Newburgh, near Dunbarney. The price was £1400. The new patron presented one John Anderson, son of another John Anderson who was a merchant and Provost of Newburgh and assuredly a relation of the patron. Young John, who became an eminent archaeologist and geologist, had been thirteen years in Dunbarney when he was translated to Newburgh, and whatever the stipend had been each year it more than justified the initial investment.[81]

In another case an aspirant's family attempted,

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[80] Patronage Report, 299; Scott, Fasti, iii, 212-213; Edinburgh Almanack 1800; Sir Bernard Burke, A Genealogical and Heraldic Dictionary of the Landed Gentry of Great Britain and Ireland (fourth edn., 1868) (hereafter Burke, Landed Gentry), 583-584.

[81] University Report 1831, 112; Scott, Fasti, iv, 205, v, 172-173.

without success, to secure a living by purchase, only to have the young man presented after all by the original patron without cost. Govan, an important parish, now very much within Glasgow, but "then a pleasant rural retreat for the wealthy Glasgow tobacco lords," fell vacant in 1820. The living was the last one in the gift of the University of Glasgow. Thomas Leishman, "an honourable and...successful" grain merchant of Paisley, offered £2100 for it, that he might provide for his son Matthew, then an assistant at Renfrew. The stipend of Govan was about £400 per annum. The majority of the faculty favored the sale, but MacGill, the Divinity Professor, appealed to the Visitors of the university and prevented the transaction.[82] Matthew Leishman, however, succeeded in the long run. The faculty, on their retention of the patronage, presented him to Govan. He served there until his death in 1874 and led the middle party in the church during the Disruption crisis.[83]

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[82]There were three Visitors, the Rector, the Dean of Faculties, and the "Minister of Glasgow," all supposed to be from outside the university. The "Minister of Glasgow," however, was Principal of the University, and in that capacity had not opposed the sale; presumably it was the two other Visitors who effected the reversal.

[83]SHR, xix (1922), 140-141; University Report 1831, 20; Glasgow University Report, 46, 48; Scott, Fasti, iii, 413; Reid, Glasgow Divinity Professors, 308.

Quite an opposite outcome resulted in a case of "simoniacal paction" that was before the ecclesiastical courts in 1825. That year the parish of Stewarton, Presbytery of Irvine, became vacant, and John Grier Brown, licentiate in Glasgow, wrote to William Cunninghame of Lainshaw, the patron of Stewarton. Brown proposed that if Cunninghame "would place him in the vacant church....a friend of his undertook to give Mr. Cunninghame £100 for five or six years, not as a bribe, but as a testimony of gratitude." The patron, however, immediately sent the irregular letter to the Presbytery of Irvine. After expressing its gratitude to Cunninghame that court turned the case over to the Presbytery of Glasgow, which had jurisdiction over Brown. After due process this latter court deprived him of his license for life, the stated sentence. His appeals to synod and General Assembly were of no avail.[84]

This wrong approach to presentation, the opponents of the patronage system charged, was far from untypical and was a direct result of the system.[85] Unlike the present day, which experiences a shortage of clergy, the number of students preparing for the ministry of the Church of Scotland

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[84]Scots Magazine, xcvi (1825), 116-117, 243, 620-621; Scott, Fasti, iii, 126, 212-213. Brown happened to be the son of the incumbent whose death precipitated the simony at Kilmalcolm.

[85]Patronage Report, 286.

was then "the greatest on record." It was said by Dr. Chalmers to constitute an "enormous glut."[86] Keenness of competition, however, did not detract from the appeal of the ecclesiastical career. Archibald Bruce, in his Kirkiad, wrote of a young man who found all else unattractive, so that

> A parson then he must be made:
> Preaching's become a thriving trade!
> Some awls and anvils have forsaken,
> And to this work themselves betaken,
> In prospects of more ease, or gain,
> Entered apprentices again.
> Mamma, with smile of approbation,
> "Thinks this will suit his inclination;
> "I hope the boy will come good speed,
> "Tho' he can neither write nor read.
> "He is a youth of pregnant parts,
> "And must be dubbed M-st-r of A-ts.
> "To some fat benefice he'll rise;
> "For genius sparkles in his eyes."[87]

If at times a baronet or a younger son of a nobleman[88] might take a living in the Church of Scotland, from motives surely of piety, many aspirants came from the lower orders. Certainly their aspiration derived from motives of piety too, but certainly often also from the desire for social betterment. Lothian hinds and Aberdeenshire small farmers, for example, considered that the value of education

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[86]Mathieson, iv, 264.

[87][Bruce], Kirkiad, 6-7.

[88]See for example Carlyle, Autobiography, 286 and n.

lay in its provision of a path to the pulpit for the bright and ambitious among their sons. It was not unknown even for the offspring of miners and agricultural laborers to achieve ordination.[89]

The intellectual training of prospective ministers, to Evangelicals at least, left much to be desired, and the advocates of reform blamed this too on patronage.[90] The Reverend Marcus Dods, primus, father of the Biblical scholar, cast patronage as Mephistopheles to the divinity student's Faust:

> The student....is sitting at his work. Midnight has overtaken him while plying his busy task. Languor has stolen over both his mind and his body. He feels strongly inclined to give up this wearisome pursuit of a knowledge, the field of which seems ever widening before him. Patronage comes and whispers in his ear, "The most accomplished scholarship, the profoundest learning, the most extensive knowledge, the highest attainments in Christian experience, will never bring you one step nearer the great object for which you study. Nothing of all this will do without my aid. Study to secure my favour, and that done, shut your books, extinguish your lamp, and go to sleep!"[91]

Many students surrendered to this temptation and showed little inclination for the classics, for divinity, or for any pastoral preparation.[92] If they had a taste for

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[89]Saunders, Scottish Democracy, 53, 69, 109.

[90]Patronage Report, 244.

[91]CPR, 10 (June 1832), 10.

[92]Patronage Report, 97.

learning it might be for that to be found more in Paris than "in the arid fields of Scots theology."[93] Dr. Chalmers showed considerable concern for the low level of theological education in Scotland and devoted much time to the problem. One anonymous correspondent to the Scots Magazine suggested, however, that the learned doctor had overlooked the obvious source of the trouble and ought to join the society for the improvement of church patronage.[94] Divinity students, said Dods at a meeting of that society, were content with the mere minimum of knowledge necessary to pass the not-very-stringent trials. This was so, he said, because "the grand matter" of their concern was "the proper path through which to get to the patron."[95]

The patron, continued another speaker to the same audience, "instead of asking after the piety and worth of the candidate, and his ability to feed the flock of God" was more likely to inquire: "Are his manners genteel? Can he take his glass? How does he play whist? Can you depend on his moderation?"[96] One vigorous opponent of patronage told a public meeting:

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[93] SHR, xix (1922), 140-141.

[94] Scots Magazine, xcv (April 1825), 439-440.

[95] CPR, 10 (June 1832), 10.

[96] CPR, 10 (June 1832), 20.

> I have heard an instance in the Highlands, where... [presentation] was the patron's method of acknowledging his sense of the licentiate's excellence as a Bagpiper; (a laugh) and I dare say some of you here could tell one another where expertness at golf led not alone to the prize, but to the holing of the Rev. player in the snug living which is the just reward of graver and more appropriate excellencies. (Hear, hear)[97]

The author of The Kirkiad, in his own doggerel fashion, described the theological student most likely to succeed, in this manner:

> Observe that youth, upon whose cheek
> Sits rosy health so fat and sleek;
> His dress so trim, so gay his air;
> So jolly, spruce, and debonair;
> You'd swear he were a son of Galen,
> (Perhaps he did mistake his calling);
> He makes no sour or whining faces,
> Wastes not the time in pray'rs and graces:
> But ev'ry thing is neatly done,
> Quite a-la-mode, and in bon ton.
> . . . . . .
> Is proud sometimes to be detected
> At tete-a-tete in place suspected.
> It is his highest aim and boast
> To know each celebrated toast.
> Double entendres he has ready
> At fingers ends, to please a lady.
> He learns from ge'men of the sword
> To grace his speech with Jove or L--d;
> Thinks that a cold and awkward truth
> That wants the sanction of an oath.
> He loves to hear the whisper spread,
> That he inclines to sceptic side;
> Doubts of the odds "twixt good and evil,
> Believes no h****n, h*ll, or d***l.
> This reputation will secure,
> And make his future fortune sure.[98]

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[97] 3 PAMAA (1828), 13; see also 4 PAMPS (1829), 13.

[98] [Bruce], Kirkiad, 16-17.

After preparing himself in the necessary arts, the young aspirant seeks his opportunity:

> Of Glebes and Manses weighs the sites;
> And all attendant perquisites:
> Observes th' incumbent's strength and years,
> And marks what symptom yet appears,
> . . . . . .
> When coughs, and rheums, and many ake,
> On parson cruel inroads make;
> He holds him now as good as dead.[99]

And when the incumbent does indeed depart this life, the eager applicant

> Pursues the game as hard as able;
> Is frequent guest at Patron's table
> With wit, and Gaiete de Coeur,
> He strives to make the Bargain sure.[100]

And so, by perverting the dignity of his calling, by molding his character to suit a patron, by employing the flattering arts of the courtier, he may at last achieve preferment.[101] Again, the verse of Bruce provides a vivid picture of a happy match between successful presentee and satisfied patron:

> With what true judgment and good sense,
> Do Patrons still their gifts dispense?
> Tho' 'tis no easy task, indeed,
> To fix the point, who should succeed;
> It oft becomes a nice affair
> The different merits to compare.
> So many well deserve the station,

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[99] Ibid., 32.

[100] Ibid., 33.

[101] [Bridges], Appeal, 22; ECI, xxiv (January 1825), 51.

From pow'rful, warm recommendation.
One is a ready hand for sport;
Another has a friend at court;
The third's a penetrating wit;
The next is for all bus'ness fit:
Till the accomplish'd youth appears,
Who off the Palm in triumph bears.
Good qualities in him unite;
For so his num'rous friends all write--
"Endu'd with the politest knowledge;
"Who is not spoiled by the college:
"Has nought at all of the Divine,
"But form'd in company to shine;
"Takes no offence whate'er you say,
"But lets each man live his own way;
"'Bout morals gives himself no trouble;
"And for your faith cares not a bubble.
"So charitable, you will find
"Him to your ev'ry weakness blind;
"Will not fly rudely in your face;
"He's one who better knows his place:
"To all good-humour'd vices kind,
"Because that way himself inclin'd:
"For brisk champaigne he has a taste;
"And freely will toast to the best--
"Can break a jest on Cant and Knox,
"And sneer at all the Orthodox.
"For him on Sundays you may send;
"At cards a willing hand he'll lend.
"He can speak French, and sing, and dance,
"As if he had been bred in France.
"Friend of the fair sex, warm and steady,
"I know he much will please my Lady.
"He will obey your ev'ry nod;
"Divert her Grace when you're abroad;
"Or be companion to your son;
"No man can better aim a gun.
"Of fowl your commons he'll lay bare;
"And prove the death of ev'ry hare.
"Of coney-hunting he is fond,
"And good at fishing lake or pond:
"Is dext'rous at mounting and a-lighting;
"And knows the Indian way of fighting.
"His learning, and great erudition,
"Are far beyond doubt, or suspicion.--
"He's master of the Ars amandi,
"Ars poetic', and friend Shandy:--
"Has all Anacreon by heart;
"And of Lucretius good part.
"Once an Oration he did file,

"In the true Ciceronian stile.--
"His Sermons no man yet did hear;
"But that is neither here nor there.
"His itch for Sermons is not strong;
"If they are bad they wont be long.--
"His popularity ne'er fear;
"This evil he avoids with care."

My Lord, his own good taste to show,
Exclaims, "Detur dignissimo.
"Excellent youth! rare character!
"He'll do the bus'ness to a hair!"[102]

It was the general character of the clergy that the Evangelical advocates of reform chose as one of their principle points of attack. Patronage had led "to the introduction of useless, unfaithful, and unacceptable ministers."[103] It had caused the Church of Scotland to lose so much "spiritual lustre by the encroachment of a most depraved secular clergy."[104] All this, it was said, was the almost inevitable consequence of the system.[105] Even so calm a commentator as Henry Cockburn, lawyer and Whig leader, wrote that following Principal Robertson's tightening of the patronage system "the clergy began to go down." The larger group of clergy thereafter had, he charged, "no principle

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[102][Bruce], Kirkiad, 38-40.

[103]Patronage Report, 277.

[104]Evangelical Magazine and Missionary Chronicle, n.s., vi (April 1828), 148.

[105]Patronage Report, 308-309.

superior to that of obsequious allegiance to patrons."[106]

To most Evangelicals the defects of quality in so many of the clergy whom patronage had put into parishes could be summed up in one word, Moderatism. The grim harvest of the Act of Anne, Moderatism was a spirit of party that brought death to piety, and in its wake a host of ancillary evils.[107] It was the Moderate candidate who, with the anxious assistance of his party, usually got the presentation, whether the gift was that of a small patron to an obscure parish or the Crown to a royal chaplainry.[108] According to James Bridges, secretary of the anti-patronage society, one family (probably that of Argyll)

> once not less beautiful in its spiritual characters, than it was and still is fair and fertile in its outward show, enjoying a great domain, and possessing, by direct right of patronage, and by that power which the ownership of land gives in Crown patronage, the right of appointing Ministers of more than forty parishes...has now, for three generations, on principle--blindly and ignorantly, I will say, but still on principle--inducted to its livings none but moderate Ministers, strenuously excluding [Evangelicals]....[109]

At the outset the Evangelicals attacked the

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[106] Cockburn, Memorials, 236.

[107] Patronage Report, 46, 146, 201, 262; [Bridges], Appeal, 16-17.

[108] ECI, xxvi (June 1827), 433, xxx (July 1831), 504; Mathieson, iv, 25-26.

[109] 3 PAMAA (1828), 13-14.

theological posture of the Moderates, accusing them of failing to preach the doctrines of the standards, the Calvinism of orthodoxy.[110] Lines in The Kirkiad portray the Moderate's reaction to the Fathers:

> Full many a tome of crabbed names,
> He bids consign unto the flames:
> Old Austin, Jerom, Tom Aquinas,
> Doctor Seraphicus et Subtilis.
> Eke Calvin, with his aide-de-camp
> Great Turretine, with Pedro Van--
> (They lived in such unpolish'd times,
> . . . . . .
> German, Genevan or dull Dutch.[111]

Arminianism or any loose latitudinarian indifferentism was more to the taste of many Moderate preachers and their patrons. For these children of the Enlightenment human reason had larger uses than divine revelation. Classical philosophy had greater appeal than Christian doctrine.[112] Poet Bruce asked the Moderate:

> Have you not oft, t'enlarge the mind,
> Prov'd Pagans wise, and Christians blind?
> Found nature in no part deficient,
> And made Dame Reason all sufficient?
> Philosophy is all in all?
> What need for Moses or St. Paul?[113]

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[110] Patronage Report, 244, 286; Anon., "Memoir," John Colquhoun, Sermons, Chiefly on Doctrinal Subjects (1836), x.

[111] [Bruce], Kirkiad, 29.

[112] Patronage Report, 244; ECI, xxv (December 1826), 903.

[113] [Bruce], Kirkiad, 10.

One pamphleteer estimated that three-fourths of the clergy of the church espoused Moderatism.[114] "How often," said George Sinclair, Younger of Ulbster, "has the withering blast of patronage spread wide and unrelenting devastation in the vineyard of the Lord all around! so that no established minister, in many miles of country, proclaims the glad tidings."[115] Bridges suggested that his reader

> imagine himself...in some parish remote from other churches, in which, for generations, the Gospel has been faithfully preached; and let him suppose that his minister dies, and his patron...puts in a young retainer of his family, who dresses well, dances perhaps occasionally, is sometimes to be seen in the lobbies of the theatre, and preaches Arminianism; nay, even young man let him be, who, guiltless of these excesses, is only chargeable with secular views in his spiritual profession, and is yet unawakened to vital godliness;--would not the parishioner supposed consider such an appointment as more grievious, than if he were stript of a moiety of his estate?...with what feelings would he now look upon his children,... driven into the jaws of error, and brought into jeopardy of their souls?[116]

Many of the Moderate clergy did indeed arouse the ire of the Evangelicals for their devotion to dress, drink, drama, the dance, and other indulgences. These vices were all the natural result, so opponents of the patronage system

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[114]"Kurioikouphilos," Vox Populi, 23, 28.

[115]ECI, xxiv (January 1825), 50.

[116][Bridges], Appeal, 24.

charged, of Moderatism's theological outlook.[117] From Greenock came a particularly dramatic report of a drunken beneficiary of patronage:

> I know a parish in which patronage has been so exercised as to spread over it a moral desolation.... The parish...has for its minister a man who is not only careless about the souls of his parishioners, but is actively engaged in leading them down to death....a man...habitually...in the sin of drunkenness...a father...in a state of brutal intoxication...before his children...a minister of religion--a parish minister of the Church of Scotland--constantly indulging in this sin, and in this state exhibiting himself publically in his parish....The character and habits of this clergyman are well known to the presbytery of which he is a member, and (strange to say!) they have taken no measures to depose him....On his receiving the presentation, the patron declared, that if he was not quietly received, he would be ordained by force of arms![118]

Indifference to the spiritual welfare of the parishioners could take the form of neglect as well as of transgression. Some Moderates managed to increase their incomes at the expense of their pastoral office. They worked as university principals, professors, operators of boarding schools, physicians, drovers, farmers, factors, and land valuers. In fact they worked at "whatever they were fit or unfit for, throughout the week; while...they made a bye job

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[117] ECI, xxv (October 1826), 757; [Bruce], Kirkiad, 10.

[118] CPR, 12 (September 1832), 6.

of the people's souls on the sabbath."[119] Others aroused the anger of the orthodox by their overriding devotion to scientific pursuits. Thus a seceder wrote that a book on a fire-arms invention by John Somerville, Minister of Currie, Presbytery of Edinburgh, was one of "the Melancholy effects of Patronage." It illustrated the sort of offence that kept him outside the establishment.[120]

Other Moderates, while they may not have incurred complaints on the discharge of their parochial duties, did receive Evangelical censure for the neglect of their obligations (or lack of an acceptable voting record) in the courts of the church. Some clergy, in fact, although acceptable in the orthodoxy of their preaching, at the same time aided causes in the courts "totally at variance with all the truths of the gaspel--(Hear, hear.)"[121] Patronage had produced majorities in presbyteries, synods, and Assemblies who rendered decisions "in direct opposition to the interest of the church."[122] The situation was self-perpetuating in that

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[119] ECI, xxiv (September 1825), 582-583.

[120] "Friend to Truth" to a Church of Scotland clergyman [Andrew Thomson?], 4 March 1825, MS. letter in New College pamphlet volume Cc/26.

[121] ECI, xxv (December 1826), 908-909.

[122] CPR, 10 (June 1832), 7.

Moderatism favored Moderatism in licensing, examining, and ordaining.[123]

John Thomson, distinguished landscape artist and Minister of Duddingston, provides perhaps the extreme example of contempt shown an ecclesiastical court. The Minister of Duddingston was a member of the Presbytery of Edinburgh. However, an examination of the records of that court shows that between 1822 and 1834 Thomson attended the regular monthly meetings only two or three times. He surely could not have made any valid excuse, for these years came in his prime as a prolific painter. He could journey to the remote Highlands to sketch a scene, but he had no time to travel two miles to presbytery. At one point it came his turn to serve as moderator. Although elected, he completely dodged the duties of the office, as he almost always shirked the regular rotating obligation of pulpit supply. The one piece of ecclesiastical business in which he did take an interest was the augmentation of his own stipend.[124]

Deficient in quality, lacking in spiritual usefulness, or (like Galt's Micah Balwhidder in The Annals of the Parish) violently intruded against the wishes of the parishioners,

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[123] Patronage Report, 308.

[124] Edinburgh Presbytery, xix, passim and especially 25-26, 77-78, 85-86, xx, passim; William D. McKay, The Scottish School of Painting (1906) 179-187.

it was little wonder to the Evangelicals that their Moderate brethren did not seem to enjoy the respect, let alone the affection, of their folk.[125] One writer, marking the concern of these creatures of patronage for the life of leisure and the emoluments of office, wondered: "Will not the unworthy suspicion attach to such pastors, of seeking the fleece rather than the flock?"[126] The Professor of Ecclesiastical History at Edinburgh thought of the mediaeval situation. In that era lay patronage had increased materially the corruption of the clergy and people had little esteem for their pastors.[127]

Lacking the respect of their flocks, lacking true earnestness, the Moderate clergy had failed, at least to Evangelical eyes, to maintain the church's system of moral discipline. That system had been the hallmark of the kirk, and had provided "the...cheapest, and most efficient means" of maintaining "the security of person and property."[128] Since the period of Robertson's ascendancy, when General Assembly refused to sustain many disciplinary actions of the

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[125]Craig, Scottish Literature, 157; Patronage Report, 243.

[126]Clark, Rights of Members, 16-17.

[127]Patronage Report, 223.

[128]ECI, xxix (December 1830), 802.

lower courts,[129] much negligence pervaded the exercise of moral oversight.

Patronage, its influence approaching this point by various avenues, was once more to blame for an evil.[130] "Why has parochial instruction and parochial discipline fallen in a great measure into desuetude in so many parishes?" asked Marcus Dods, primus. "The reply is Patronage, which has introduced into...these parishes men who care nothing for the souls of their parishioners."[131] Evangelicals even charged "a great laxity of discipline in admitting members to communion...traceable ultimately to the operation of the law of patronage."[132]

If the Moderates neglected the spiritual and moral needs of their people, they did not, charged the advocates of reform, neglect the worldly needs of patrons.[133] It was little wonder to some that "the scorner of our Holy Religion ...will not fail to suggest...that Christianity is a system which those in the higher ranks of life wish the people to

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[129]Mathieson, iv, 111-112.

[130]ECI, xxix (December 1830), 802.

[131]CPR, 10 (June 1832), 6.

[132]Patronage Report, 286.

[133]Patronage Report, 308; ECI, xxiv (May 1825), 316; see also HMC, Hamilton MSS. Supplementary, 178-179.

believe as a mean to make them peaceable subjects."[134] It was in this vein that Robert Ure, primus, Minister of Airth, Presbytery of Stirling, wrote to an influential friend in London asking him to represent his interest with Henry Dundas, who "managed" Scotland. In addition to asking his friend "to remind his lordship to do something for my eldest son, who is Comptroller of the Customs at Alloa, upon a very small income," Ure called attention to his own pastoral labors:

> I flatter myself with the approbation of all the gentlemen who know me, and in every case where matters of Government have been spoke of in the parish, large and populous as it is, there never appeared any seditious or improper tendency but I checked it.[135]

Surely the most dramatic as well as the most melancholy example of service rendered to patrons by their clergy was the rôle played by ministers of the Highlands in the Clearances. "Between 1790 and 1850 a whole race was dispossessed and dispersed" when in so much of the north, and especially in Ross and Sutherland, landowners drove the folk from their homeland to make way for sheep.[136] One

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[134] ECI, xxv (October 1826), 758.

[135] Mathieson, iv, 107-108.

[136] Two recent vivid accounts of the exodus are Ian Grimble, The Trial of Patrick Sellar: The Tragedy of Highland Evictions (1962) and John Prebble, The Highland Clearances (1963); the quotation is from the jacket of the latter.

stonemason wrote that the clergy were "consenting parties to the expulsion of the inhabitants, and had substantial reasons for their readiness to accept woolly and hairy animals in place of human flocks."[137] As John Prebble writes in his recent account of the Clearances:

> With a few noble exceptions, the ministers chose the side of the landlords, who built them new manses, made carriage roads to their doors, and invited them to share in the new prosperity now and then with the grant of a few acres of sheep pasturage. In return the churchmen gave God's authority to Improvement, and threatened the more truculent of the evicted with damnation.[138]

One minister even drove eight families off land that he had come to possess.[139] On the whole the proprietor-patrons could not have asked for better work from their presentees. Especially well served were the Countess of Sutherland, who had gift of most of the livings in Sutherland, and the Hon. Mrs. Maria Hay-Mackenzie of Cromartie, who had gift of most of those in Ross.[140]

If, however, these patrons took pleasure in their ministers, the full brunt of the people's reaction remained to be felt. Writing in the 1830's and early 1840's for the

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[137]Prebble, 71, 75, 96, 109-110, 135-136; see also Grimble, 75-80.

[138]Prebble, 71.

[139]Prebble, 175-176.

[140]Edinburgh Almanack 1825, 385; see also Grimble, 80 and Prebble, 265.

> the ministers of Sutherland completed the accounts of their parishes, and so oblivious were they of the storm gathering in the south that some of them remarked on the absence of dissenters in their midst. When the Disruption burst on them in 1843 there rose up dissenters in plenty where they had sown their dragon's teeth.
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> . . . . . .
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> The ministers appointed by the landlord were rejected by nine-tenths of their flocks, who, in their undiminished piety, sought pastors who would give them the consolations of religion that were their sole remaining treasure.[141]

Despite the violent opposition of the house of Sutherland, allowing no building sites to the Free Church and evicting any who gave its ministers hospitality, the people chose the church of the Disruption.[142]

While the proponents of reform attacked patronage for providing livings for Moderates, they invoked also the other side of the same argument. This part of the objection was of course that patronage prevented many worthy, that is to say Evangelical, aspirants from being appointed to parishes. Many accomplished Evangelical clergy never passed beyond the status of chapel of ease ministers. Others, promising licentiates or esteemed assistants denied preferment by Scots patrons, sought to fulfill their pastoral vocation by

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[141]Grimble, 80-81.

[142]Grimble, 81-82; Prebble, 177. For a favorable interpretation of the Clearances see Mathieson, iv, 260-262.

emigrating to America where patronage was unknown. There the church alone chose its ministers.[143]

Perhaps the most dramatic instance of talent refused presentation is the case of Edward Irving. He served in Glasgow as the energetic assistant to Thomas Chalmers, but no patron would advance him to a parochial living. Reduced to desperation, he accepted his only offer, a call from the small congregation of the Caledonian Orphanage Chapel, London. Although he became for a period the most popular preacher in London, Irving got caught up in glossolalia and fell afoul of the Church of Scotland, which dismissed him. He declined pathetically and died a broken man, his promise in large part unfulfilled. Dr. H. J. Wotherspoon has suggested that if Edward Irving had received a proper place in the church he might have made an exceptionally important contribution to the religious life of Scotland.[144] The case has similarities to that of Denmark's N. F. S. Grundtvig. Passed over in parochial presentation, he had to be content with lesser posts, including that of an institutional

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[143] Speech of...Hamilton, Strathblane, 4-5; [Bruce], Kirkiad, 42; Murray, Colinton, 70; National Library of Scotland, Lundie MSS, Andrew Thomson to Robert Lundie, 20 January 1814.

[144] Whitley, Irving, 17, 100; Henry C. Whitley, "Edward Irving: An Interpretation of His Life and Theological Teaching" (PhD. dissertation, University of Edinburgh, 1953), 227 (whence Wotherspoon's interpretation).

chaplain. From such a situation, however, Grundtvig's career was one of triumph rather than tragedy. He led Denmark from defeat in the Napoleonic period into a new era of national achievement.[145]

Some Evangelicals complained not only that the patronage system favored Moderates, but even did so doubly, that it bred a minor sort of plurality. The sixteenth-century reformers had attacked plurality as one of the great evils of the mediaeval church and the law of Scotland therefore prohibited a clergyman from having more than one parochial living.[146] The law, however, did not prevent a minister from holding concurrently a parish and a professorship. Some occurrences of such a circumstance drew the fire of the early-nineteenth-century opponents of patronage.

Although rare until the late eighteenth century, in that period it became fairly common for professors who were clergymen to serve also as parochial incumbents.[147] The fact that many chairs paid little made this at times a

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[145]Hal Koch, Grundtvig (1952), especially 40-42, 59, 65-66, 71-72, 75, 80, 100-101, 105, 110-114; see also P. G. Lindhardt, Grundtvig: An Introduction (1951) and Washington Gladden, The Christian Pastor and the Working Church (1898), 72.

[146]University Report 1831, 71-72, 214; Mathieson, iv, 90; Patronage Report, 68.

[147]Mathieson, iv, 90.

necessity.[148] Usually this type of plurality did not run the danger of violating the law's requirement that every minister must reside in his parish. The parishes of professors were usually close to the university.

The first publicized case of plurality, however, involved also a charge of non-residence. The accused was Dr. John Walker, Minister of Moffat, who in 1779 won presentation to the Chair of Natural History at Edinburgh. It then took a day's journey to travel from Moffat to the university and the Presbytery of Lochmaben ruled that Walker could not hold both offices. The Synod of Dumfries reversed the decision, however. But before General Assembly heard an appeal of the reversal, the professor accepted a presentation to Colinton, a parish just four miles from the university. Although some of his new parishioners resented the fact that Walker devoted much of his time to his professorial pursuits, his plurality could not be challenged. His two livings provided John Walker a base for scientific accomplishment that made him the father of geology. This was an achievement worth more in the Moderate-Enlightenment context than an Evangelical encomium for a successful cure

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[148] University Report 1831, 323-326.

of souls.[149]

What constituted non-residence and illegal plurality, a question first raised in the Walker case, subsequently became a matter of contention between Moderates and Evangelicals. Distance seemed at first the factor. James Finlayson, Professor of Logic in Edinburgh University, became Minister of Borthwick, Presbytery of Dalkeith, in 1787. He avoided attack by eliminating the distance of about thirteen miles between his chair and his church in accepting presentation in 1790 to Lady Yester's, Edinburgh.[150]

Distance was not all, however, Thus at the turn of the century opponents of this type of plurality challenged the propriety of a professor being minister of a parish only six miles distant from his university. The challengers based their attack on the ground that one man could not serve two ecclesiastical offices. Robert Arnot, Professor of Biblical Criticism, St. Andrews, a farming enthusiast, had in 1796 withdrawn his acceptance of presentation to Kingsbarns. This he did, even after he had bought a farm in

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[149]Murray, Colinton, 64-65; Mathieson, iv, 90 and n, 94; Steuart, Colinton, 343; Scott, Fasti, i, 4, ii, 217; John Walker, Lectures on Geology.... (Harold W. Scott, ed., 1966) especially pp. xviii to xxii; "Walker's Lectures." MS. volume in possession of the present writer.

[150]Scott, Fasti, i, 82 and 303; Mathieson, iv, 90; James J. Hunter, Historical Notices of Lady Yester's Church and Parish, Edinburgh (second edn; 1883), 39.

the parish, because there was great parochial feeling against his plurality. However, in 1799, on the death of the new incumbent at Kingsbarns, the patron again offered Arnot the living. This time he persisted in his acceptance. Two members of the Presbytery of St. Andrews contested the matter, appealing to synod and to the Assembly of 1800. In the high court the Moderate leadership put the case that a theological chair was not an ecclesiastical office and that therefore no illegal plurality existed. Despite the formidable opposition of William Laurence Brown, Principal of Marischal College, and Stevenson M'Gill, then Minister of the Tron, Glasgow, the Moderates won a majority for their interpretation.[151]

In many respects the Moderate party reached its lowest point in the Leslie case of 1805, which involved in part the matter of professorial-parochial plurality. The Moderate leadership in Edinburgh seemed to be pursuing a policy of securing university chairs to complement the parochial livings of the city's Moderate clergy. When therefore Thomas Macknight, Minister of Trinity parish, sought the vacant Chair of Mathematics, his Moderate brethren insisted, as a condition of their support, that he retain his

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[151]Mathieson, iv, 90-93; ECI, xxv (September 1826), 625-627; Scott, Fasti, v, 217, vii, 360-361, 401-402; Reid, Glasgow Divinity Professors, 302.

parochial charge. The opponents of plurality replied with a vigorous attack. They charged that the continued practice of uniting chairs and churches would ruin the university and did no service to religion. The Moderates' opponents supported the candidacy of a layman, the distinguished John Leslie. So strong became the opposition to Macknight that he withdrew and the Town Council presented his rival. Soured by their defeat the Moderates tried to assert a right of the church to pass on the piety of presentees to professorships. Under this Leslie was disqualified. The Evangelicals appealed to synod and to the Assembly of 1805. There a long and complex debate ended in a decision for Leslie supported by all the Evangelicals and enough Moderates to make a majority. Macknight's earlier withdrawal had, however, ended the immediate question of plurality.[152]

Eight years later, in the next plurality case, the Moderates gained a victory, but by a very small margin. This dispute involved a St. Andrews professor, William Ferrie of the Chair of Civil History. The Presbytery of St.

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[152]Pamphlets on Leslie case by Dugald Stewart, Andrew Thomson, John Playfair, John Inglis, and Thomas Brown; [Robert Lundie], Report of the Proceedings and Debate in the General Assembly of the Church of Scotland respecting the Election of Mr Leslie to the Mathematical Chair in the University of Edinburgh (1805); Hanna, Chalmers, i, 91-94; Mathieson, iv, 93-99; Craven, "Thomson," 35-42; Scott, Fasti, i, 77; Welsh, Brown, 163; Ian D. L. Clark, "The Leslie Controversy, 1805," RSCHS, xiv, 179-197.

Andrews had refused to induct him to Kilconquhar in 1813 on grounds of non-residence. The parish was twelve miles from the university. Ferrie appealed to General Assembly, where a majority of five votes sustained his presentation. In practice the pluralist proved himself a successful parochial minister, but to the total neglect of his professorship.[153]

The following year, 1814, the Moderate-led General Assembly attempted to define what constituted non-residence. It enacted a prohibition against professors holding parochial charges not located in the university city or its suburbs. In 1817, a majority of presbyteries having approved it, the act became a fundamental law of the church. Evangelicals charged, however, that the Moderate leadership did not go far enough in this legislation. Evangelicals believed that it was wrong to condone plurality within cities.[154] The patronage system thus remained open to attack on this point.

The Evangelicals launched a major assault in the Assembly of 1824. All their important leaders, Sir Henry Moncreiff Wellwood, Andrew Thomson, M'Gill, and others were

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[153]Mathieson, iv, 269; Scott, Fasti, v, 210-211; ECI, xxv (September 1826), 625-627; University Report 1831, 404.

[154]Mathieson, iv, 269-270; University Report 1831, 71; ECI, xxv, (September 1826), 625-627; Hanna, Chalmers, ii, 63-69.

there; and the party employed their best artillery, the oratory of Thomas Chalmers and the advocacy of Henry Cockburn. The case that brought the battle was that of Duncan Macfarlan. Principal of Glasgow University and Dean of the Chapel Royal, George IV had presented him to St. Mungo's, the High Kirk of Glasgow, in 1823. The Presbytery of Glasgow, led by Chalmers and M'Gill, found Macfarlan disqualified for the parish in that he held already another charge, his principalship. The Synod of Glasgow and Ayr agreed with the decision and Macfarlan appealed to the Assembly.[155]

Discontent with these pluralities had been mounting. The Arnot and Leslie cases had aroused much public opinion in Scotland against this aspect of the patronage system. In Glasgow before 1814 Robert Findlay, the Professor of Divinity, had been attacking pluralities in general and in particular the fact that Macfarlan's predecessor was both Principal and Minister of St. Mungo's. The Macfarlan case attracted great attention and crowds, including folk from the West, thronged the Assembly's debates in 1824.[156]

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[155]Hanna, Chalmers, ii, 395-400, iii, 16-21; Scott, Fasti, iii, 458-459; Mathieson, iv, 270. In practice, actually, Scots university principals appear to have had few duties (see University Report 1831, 20, 239, 243-244, 356, 400, 405).

[156]Mathieson, iv, 270-271; Reid, Glasgow Divinity Professors, 273; Scott, Fasti, vii, 401; Hanna, Chalmers, iii, 17.

Although it seems that public opinion and the ecclesiastical outlook of the West opposed Macfarlan's plurality, the Moderates carried General Assembly for Macfarlan by a comfortable majority. The pluralist's friends put the case that there was nothing in the law to prevent holding the two offices in conjunction. The Evangelicals countered that it was the church's prerogative to judge the qualifications of presentees. The church could therefore find that a clergyman who already held one office could not qualify for a second. To this some Moderates replied that extending the question of qualification to exclude an otherwise legal pluralist was for the church to infringe on the rights of the state, which had laid down the law on plurality at the Reformation.[157] Chalmers particularly opposed this idea that the church could be so restricted by the state. He spoke to the point with prophetic warning:

> If, on the plea that the Church hath overstepped her boundaries, it is found that there are a right and a force in the mere presentation which shall carry it over all your resistance, then I cannot imagine a feebler instrument, a more crippled and incompetent machinery, than our Church is for the professed object of its institution; nor do I see how, if struck with impotency like this, it can

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[157]Hanna, Chalmers, ii, 400, iii, 17-21; Reid, Glasgow Divinity Professors, 303; ECI, xxv (September 1826), 625-627, xxvi (May 1827), 350; Scott, Fasti, iii, 458-459; Cockburn, Affairs of Scotland, 328.

> lift an arm of any efficacy to protect our Establishment from many great evils, or to stay the progress of a very sore corruption within our borders.[158]

The debate over this professorial-parochial type of plurality drew interest beyond the sittings of the Assembly. One anonymous pamphleteer defended the system with a claim that both Luther and Calvin had been pluralists. Each, he wrote, combined a parochial charge with a theological chair. He asserted also that the General Assembly's debate on the matter, although "perhaps, the most splendid for talents and ability, that ever was carried on" in the house, was beside the question. He also held that determinations on plurality were the province of the state, not the church.[159]

These pro-pluralist views seem to have enjoyed, however, little popularity. Evangelicals repeatedly iterated how this product of the patronage system was so completely "contrary to fundamental principles."[160] There is an

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[158]Hanna, Chalmers, iii, 20.

[159]Letters to "An Antipluralist;" Showing the Incompetency of Church Courts to Entertain the Question of Pluralities: Proving the Union of Teaching in Schools, Colleges, and Universities, with the Ministrations of Religion, to Be Sanctioned by the Word of God; the Example of Prophets and Apostles; the Law of the State, & the Practice of the Church, from the Reformation downwards to this Present Hour (1826), especially 3, 11, 38.

[160]Edinburgh Review, xlvii (January 1828), 244; see also University Report 1831, 70-72.

instance too, in 1824, where an Evangelical anti-pluralist questioned in presbytery the acceptance of a civil office by a Moderate minister.[161] Similarly too, the critics of patronage attacked what was as harmful to religion as plurality of office, the pursuit of professional or business enterprise at the expense of the cure of souls.[162] The Minister of Footdee, Aberdeen, 1787-1838, who "at least tripled a very considerable stipend"[163] by the practice of medicine, was surely as bad a villain in Evangelical eyes as the pluralist university principal. After all, the latter took only a few hours a week away from his parish for academical duties.

The rising tide of opinion against professorial-parochial plurality helped to compensate for the defeat of the forces of reform in the Macfarlan case. Posterity has remembered the Principal as "the last of the pluralists."[164] Even though this type of plurality involved only about a dozen out of about one thousand Church of Scotland clergymen, the Evangelicals made a point of eliminating this abuse

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[161]Edinburgh Presbytery, xix, 63, 69-70.

[162]Supra, this chapter.

[163]Mathieson, iv, 272n.

[164]Reid, Glasgow Divinity Professors, 273.

in the patronage system.[165] In 1831 John Lee, Minister of Lady Yester's, Edinburgh, sought the Regius Professorship of Ecclesiastical History in Edinburgh University without wanting to demit his parochial charge. The government at first agreed, but soon abandoned Lee's appointment in deference to "the anti-plurality principle." Cockburn, then Solicitor-General, wrote that if the government persisted in such a pluralist appointment "a majority of the General Assembly would quash it."[166]

Also in 1831 the Royal Commission on the Universities of Scotland recommended that unions of parish and university livings be prohibited. With this it suggested that the stipends of theological professors and principals be raised so as to eliminate the financial argument for plurality. However, a distinguished minority of the commission dissented from the anti-plurality proposal and no legislation resulted. Nonetheless, Lord Moncreiff, one of the majority, could conclude in 1833 that in practice the church had abolished this

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[165] Mathieson, iv, 272n; University Report 1831, 70-72.

[166] Cockburn, Affairs of Scotland, 327-328; Hanna, Chalmers, iii, 306-308; Scott, Fasti, i, 73; James J. Hunter, Historical Notices of Lady Yester's Church and Parish, Edinburgh (second edn; 1883), 42-50.

type of plurality.[167] In the anti-patronage campaign of the decade after 1824, however, the argument that pluralities was one of the abuses of the patronage system had proved useful to reforming Evangelicals in rallying support to their cause.

The reformers found equally useful as a point of attack against patronage the condition of the lay eldership of the church. They charged that the eldership, such a prominent facet of presbyterian polity, languished in decline and that patronage had caused this evil, like so many others. As one Glasgow minister put it to an anti-patronage audience: "Exactly in proportion as Patronage has grown strong, has the Eldership deteriorated."[168]

Elders were and are the principal lay office-bearers in each parish, forming with the minister the kirk-session, the governing body with jurisdiction over the spiritual life of the parish. The kirk-session arranges for communion,

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[167] University Report 1831, 73-74, 89-90, see also 356; Lord Moncreiff, ed., in Sir Henry Moncreiff Wellwood, A Brief Account of the Constitution of the Established Church of Scotland; and of the Questions Concerning Patronage and the Secession (revised edn., 1833), p. xiin.

[168] A Full Report of the Speeches against Patronage in the Church of Scotland, Delivered at the Public Meetings Held in Glasgow and Edinburgh, On 14th November, and 2d December, 1833 (hereafter Public Meetings 1833), 8; see also Patronage Report, 26, 244; ECI, xxviii (March 1829), 180, xxix (December 1830), 803; CPR, 10 (June 1832) 6-7.

admits new communicants and revises the communion roll, and generally assists the minister in visitation and other duties. In the early nineteenth century the kirk-session still had the duty of exercising moral discipline over the people. It had the legal power to command their appearance and their submission to punishment. Until 1894 the kirk-session also played an important part in poor relief. Kirk-sessions also had the right to choose one of their elders to sit in presbytery and one in synod, and from the elders presbyteries and burghs chose their lay representatives to General Assembly.[169]

The choice of elders in a parish had become in practice the province of the minister. He had to win the approval of those already on the kirk-session, and theoretically the general body of communicants could object to a nominee on grounds of deficiency in life or doctrine. However, none of all this posed any difficulty. The minister sought "respectable" men worthy of ordination to this

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[169]Duncan and Johnston, Parochial Law, 592-593; Patronage Report, 26, 62, 142; George David Henderson, The Scottish Ruling Elder (1935); William George Black, A Handbook of the Parochial Ecclesiastical Law of Scotland (1891), 161-165; Colinton Parish Minute Book 1831-1907, SRO, records an instance of the exercise of discipline as late as 1905. By the early nineteenth century the office of deacon had fallen into desuetude almost everywhere and the deacons' supervision of the funds for the poor had been assumed by the kirk-session (Patronage Report, 26, 141-142, 225-226).

lifelong office. The only formal qualification was that they be communicants and willing to subscribe the Westminster Confession.[170]

The early-nineteenth-century Evangelicals who blamed patronage for the low state of the eldership in their day liked to summon history as witness for their case. Stevenson M'Gill for example elicited evidence from the patronage-less period of 1649-1660. Then elders were "very numerous, and men not only of decided piety, but of very considerable property and weight in the country."[171] With regard to the second period in which the old patrons had not presented, that following 1690, these Evangelicals asserted that the state of the eldership had been excellent then also. On the other hand the knowledgeable Moderate historian, John Lee, Minister of Lady Yester's, Edinburgh and Principal Clerk of General Assembly, believed that the eldership in that period had been far from excellent. In fact some parishes had been quite devoid of any elders.[172] The

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[170] Patronage Report, 25-26, 217, 272, 286; Moncreiff Wellwood, Erskine, Appendix I, 408; "Layman," Hints, 17; Sinclair, Analysis, ii, 21; ECI, xxxi (June 1832), 411-413.

[171] Patronage Report, 25, 300.

[172] Patronage Report, 26, 454; see also Steuart, Colinton, 339-340 and 4 PAMPS (1829), 12.

Evangelicals do not seem to have claimed any proofs for their case from the history of the eldership in the eighteenth century after patronage was again in full force. Of the state of the institution in their own time, however, they had no doubts.

That the eldership had declined by the end of the first quarter of the nineteenth century to an unhealthy condition seems true.[173] Many Evangelicals claimed of course that this was simply the natural result of patronage.[174] They began their attack at this point by blaming patronage for the vast shortage of elders. While one of their spokesmen guessed that the average parish had about half-a-dozen elders, they all agreed that many parishes had only one or two and some none; very few had enough.[175] Some presbyteries at least tried to secure the minimum of two elders needed to maintain the kirk-sessions under their jurisdiction.[176] However, a survey taken in 1828 showed that there were indeed a number of parishes with one or none and few with more than half-a-dozen, bearing out the Evangelicals'

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[173]Henderson, Scottish Ruling Elder, 229.

[174]See for example ECI, xxviii (March 1829), 180.

[175]Patronage Report, 25-26, 100, 181, 187, 300; Sinclair, Analysis, ii, 21; see also Patronage Report, 157.

[176]See for example Caithness Presbytery, 248.

estimates.[177]

The proponents of patronage reform attacked not only the quantity, but also the quality of elders. Although some heritors and even a few patrons served in the office, Evangelicals charged that for the most part "the respectable parishioners would not act as elders."[178] Further, complained David Welsh, Regius Professor of Ecclesiastical History at Edinburgh, "in many instances they are fixed upon for their accommodating temper more than their moral worth or religious character."[179] Just as patronage permitted unworthy patrons to appoint unworthy pastors, so in turn unworthy pastors chose unworthy elders. Some, it was even said, were really Episcopalians. In any case too many were lax in prayer, in family worship, in visitation, in churchgoing, and in morals. Little wonder that kirk-sessions neglected to discipline the lives of parishioners when elders themselves stood in such need of discipline.[180]

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[177] SRO, MS Assembly Papers. "Return of the Number, Names and Residences of Elders in all the Parishes in Scotland 1828. With a List of Elders in Elgin in 1694" (CH.1/5/119); ECI, xxvii (July 1828), 511-512.

[178] Patronage Report, 24-25, 217, 300; for patrons as elders see supra, this chapter.

[179] Patronage Report, 244.

[180] CPR, 10 (June 1832), 6-7; "Layman," Hints, 17-20; Patronage Report, 244, 272, 340; Henderson, Scottish Ruling Elder, 230.

One anti-patronage pamphleteer recorded what was probably the extreme case of an unworthy elder. He was one chosen, probably because of his rank, to represent the kirk on the occasion of George IV's memorable visit to Scotland in 1822:

> It is notorious, that...elders are chosen from among individuals of every description of character....It was not surprising that the Marshall of the King's Household uttered an exclamation of astonishment when he perceived that renowned rake the Earl of _____, arrayed in kilt and broadsword, present himself before his Majesty at Holyroodhouse, as a constituent part of the General Assembly commission.[181]

Some years previous the author of The Kirkiad had versified the matter in this fashion:

> He must be good, whoe'er is great;
> A Christian without debate
> Tho' Bible he mind no more than
> The fab'lous tales of Alcoran:
> Tho' Hume, Rousseau, and Bolingbroke,
> Contain of all his faith the stock.
> Tho' races, routes, and balls, and plays,
> Make up his only holidays;
> Tho' he go reeling oft to bed,
> No prayers heard, nor scriptures read;
> Tho' oaths with every word jump out,
> Yet still his Honour's right devout;
> Tho' he in church-time read the News,

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[181]"Layman," Hints, 14-16. (Possibly the nobleman in question was the eleventh Earl of Buchan, for whom see Francis Watt, The Book of Edinburgh Anecdote (1913), 282-283; DNB, vi, 820-822; Sir James Fergusson of Kilkerran, Bt., The Sixteen Peers of Scotland (1960) 45-46, 81; Craik, Century of Scottish History, 475-476.

And with his bum ne'er wear the pews:
Yet such as he in this good day,
Can make a pious Elder-Lay.[182]

Part of the concern about the state of the eldership focused on the rôle of elders in the higher ecclesiastical courts. One of the cardinal points of presbyterian polity is that the clergy and laity jointly rule in the church. Yet in the early nineteenth century, as the Evangelicals pointed out, only infrequently did lay commissioners represent parishes in presbytery and synod meetings.[183]

Presbyteries and burghs did, however, regularly commission elders for the General Assembly. That court, where party conflict was most intense, usually functioned with a full complement of lay members. The objection here was that these laymen were often elders in name only, with little or no connection with the district they represented. This class were perhaps men of standing, such as Edinburgh lawyers. However, so the charge went, they rarely served as elders in the presbyteries or burghs which had commissioned them. Desiring to sit or perhaps shine in the one national assembly, these men seemed to their objectors to be

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[182][Bruce], Kirkiad, 37.

[183]ECI, xxx (March 1831), 162-170; Patronage Report, 181; Sinclair, Analysis, ii, 22; see for example Edinburgh Presbytery, xix, Caithness Presbytery, Colinton Parish Minute Book, 1722-1830, Minute Book of the Kirk Session of Thurso, 1782-1833, all SRO.

motivated more by personal, political, or professional interests than by pious ones.[184]

As has been suggested the Evangelicals pushing for the reform of patronage blamed all these ills of the eldership on the mode of ministerial appointment. They alleged not only that unworthy pastors, themselves the first fruits of patronage, ordained unworthy elders, but also that worthy men refused the office because of patronage. They recalled cases where elders had deserted the establishment on the intrusion of an unwanted presentee. They cited also

> many instances in which a minister who had been placed agreeably to the wishes of the people, could not prevail upon the most respectable members of his congregation to attach themselves to his session, upon the professed ground, that although they were entirely satisfied with him, yet that the system of patronage left them in entire uncertainty in regard to his successor, and that upon his death or removal, another might succeed with whom it would be impossible for them to act.[185]

Although in the late eighteenth century, in 1816, and again in the late 1820's the kirk had attempted to alleviate a few of the sources of complaints about the condition of

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[184]Mathieson, iv, 110-111; Patronage Report, 26-27, 51; ECI, xxx (March and April 1831), 162, 301; Public Meeting 1833, 8; Edinburgh Presbytery, xix, especially 2-4, 32-34, 64, 117-119.

[185]Patronage Report, 244; ECI, xxix (December 1830), 803. At least one parish free of patronage, Cadder, had only four elders, no larger a kirk-session than most (SRO, "MS Assembly Papers. Return of...Elders...1828....").

the eldership,[186] Evangelicals remained dissatisfied. Many of them had convinced themselves and were attempting to convince Scotland that until the nation reformed its church patronage the eldership would languish in decline.

Patronage, according to the advocates of its reform, interposed a barrier to progress at many points. To minister to the increased population of the new industrial age the Church of Scotland needed not only more and better elders, but more parish churches. The law of patronage prevented the latter because any new parish, no matter who bore the cost of its church's erection, came under the patronage of the patron of the old parish from which it was detached. Under this condition individuals and groups were loathe to build new parish churches and endow new parish livings.[187]

That the parochial system of the church could not be effective in many areas was evident.[188] The population of Scotland had doubled since the Reformation, yet the number of parishes had remained about the same.[189] In Edinburgh,

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[186]Mathieson, iv, 110-111, 291; SRO, "MS Assembly papers. Return of...Elders...1828...."; Patronage Report, 30.

[187]Patronage Report, 20, 23, 138, 277, 333; Public Meetings 1833, 7; [Bridges], Appeal; Clark, Rights of Members, 15-16.

[188]See for example Patronage Report, 168, 310.

[189]Hanna, Chalmers, iii, 449.

for example, there was church accommodation in 1833 for less than 40,000 of the city's approximate population of 140,000.[190] In Glasgow the situation was even worse.[191] In the Barony parish there, one observer reported,

> there are 80,000 souls, and only one pastor, and a large proportion of these must perish in ignorance, because the right of the crown [the patron] to the patronage of any new parochial churches prevents their establishment by voluntary contribution.[192]

What particularly worried Stevenson M'Gill, Chalmers, and other Evangelicals was that the situation was alienating the urban masses from the church. Only new "endowed churches, with small parishes and cheap seat-rents" could recover "the outcast population."[193] Only a change in the law could remove this barrier that inhibited church building.[194]

Patronage was also a formidable barrier to the unity of Scottish Christianity. The existence of patronage, so charged many Evangelicals, caused secession and dissent. Patronage, they held, had created the two secessions of the

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[190] Edinburgh Proposals, 15-16.

[191] Edinburgh Proposals, 29-30.

[192] Public Meetings 1833, 7.

[193] Patronage Report, 305, 315; Hanna, Chalmers, iii, 447, whence the quoted phrases.

[194] Patronage Report, 155, 168-169, 333.

eighteenth century. Since then it had driven many out of the establishment to swell the ranks of the seceders and dissenters.[195] Those who were alarmed by the growth of sects outside the Church of Scotland were of course concerned about this major detraction from the all-embracing national nature of the establishment. Some feared too that the clergy of the sects were less fitted to minister to the people than those of the kirk. Others not unnaturally more greatly esteemed evangelicals outside the establishment than Moderates within.[196] In any event many proponents of reform put the case that here was yet another way in which patronage lowered the quality of the religious life of Scotland.

Those who alleged this developed their argument in many ways. They asserted that before the Act of Anne of 1712 there had been very little secession or dissent. Sects had grown only as patronage had come to prevail.[197] Many seceders were themselves ready to point out that all that kept them outside the established church was patronage. The author of a dialogue between a seceder and a member of the kirk, published in the Scots Magazine, has the former speak

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[195] Patronage Report, 157-158, 164, 191, 194, 333.

[196] ECI, xxiv (January 1825), 47; Patronage Report, 262.

[197] Patronage Report, 23, 237-238, 242, 262; Little Dunkeld Debate, 19; Evangelical Magazine and Missionary Chronicle, n.s., vi (April 1828), 148.

as follows:

> Patronage...in truth, is the great wa' or partition that divides me frae the kirk.
> . . . . . .
> Patronage is my great stumbling-block. In a' ither things, I see nae difference betwixt us and the kirk ava. In doctrine, worship, discipline, we're a' ane.[198]

Particularly, noted those who sought reform of patronage, sects grew due to violent settlements and other intrusions of unwanted ministers in the establishment.[199]

The opponents of the patronage system developed and emphasized this point--the losses the church suffered from intrusions. Melodramatic visions could be conjured up for audiences: "View the presbytery....the heralds of the cross, as they approach to place a wolf in sheep's clothing over the flocks of Christ, under the protection of muskets and bayonets!"[200] Or they could tell of intruded ministers, once their flocks had fled, collecting their few remaining hearers for service in the manse kitchen, "it not being worth while" for the few "to go to the church."[201] Then

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[198] Scots Magazine, xcv (January 1825), 77; ECI, xxv (March 1826), 159; "Friend of Truth" to a Church of Scotland clergyman [Andrew Thomson?], 4 March 1825, MS. letter in New College pamphlet volume Cc/26; Patronage Report, 158.

[199] Moncreiff Wellwood, Erskine, Appendix I, 442; ECI, xxvi (April 1827), 256; Patronage Report, 167, 244, 286.

[200] CPR 12 (September 1832), 3.

[201] Patronage Report, 259.

they might relate how many of those who had seceded put up with great hardships:

> Many of them, male and female, go regularly every Sunday, eight, ten, or even fourteen miles... and return again the same day, travelling even in wretched roads, bare-footed, and bare-legged... such is their anxiety to hear the gospel preached, in its purity and simplicity.[202]

The seceders not only often had to travel considerable distances, they now also had to bear the expense of maintaining clergy out of voluntary contributions.[203] And intrusion, in addition to opening the door to departures to sects that were presbyterian (the majority), also resulted in a few losses to non-presbyterian sects.[204] Unwanted ministers--need it be said?--were Moderates, "cold" to the gospel and unable to establish a rapport with their people. To critics of patronage, the system first bred clerics of poor character and then intruded them on parishioners, who fled the church in fear for their souls.[205] David Welsh, church historian of Edinburgh University, even calculated a statistical correlation between instances of intrusions and the

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[202]Sinclair, Analysis, ii, 49. See also Whitley, Irving, 9; Patronage Report, 153, 247, 292.

[203]Patronage Report, 259.

[204]Patronage Report, 290-291.

[205]ECI, xxv (January 1826), 13 and (November 1826), 765, xxvi (January 1827), 10-12; Mathieson, iv, 114-115; Little Dunkeld Debate, 19-20; see also Murray, Colinton, 67.

founding of seceding meeting houses.[206]

Some defenders of patronage suggested that the increase in the numbers affiliated with seceding and dissenting sects resulted simply from the general increase in population which could not be accommodated in the parish churches.[207] To this the advocates of patronage reform replied that the evidence spoke otherwise. To be sure, they conceded, occasionally this might be the case. However, that was still an indictment of patronage, for patronage prevented the establishment of more parish churches.[208] On the other hand, they pointed to numerous places where churches were empty and meeting houses full.[209] No, many Evangelicals maintained that enforcement of patronage chiefly accounted for the growth of secession and dissent.[210]

A damaging correlative of the exodus of folk from the establishment, which those who attacked patronage noted, was the effect of that exodus on the funds for the poor. Believing with Calvin "that social welfare is properly a concern

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[206] Patronage Report, 259.

[207] Patronage Report, 332.

[208] Patronage Report, 101, 167, 245.

[209] Patronage Report, 167, 245.

[210] Moncreiff Wellwood, Erskine, 453; Little Dunkeld Debate, 19; Patronage Report, 101, 167, 245, 368.

of the Church,"[211] Scotland had traditionally supported the poor in the parishes through voluntary contributions in the churches. The increasing number of departures to sectarian places of worship, however, meant that in some areas the poor's funds were insufficient. As a result in various parishes a poor's rate came to be assessed against the owners and occupiers of land.[212] It was alleged by some too that at times of acute economic distress the threat of an increased poor's rate discouraged needed agricultural development.[213] Here in the failure of the traditional system of poor relief Evangelicals saw yet another instance of patronage, indirectly perhaps but no less definitely, thwarting the good working of the parochial system.

That secession and dissent grew in the late eighteenth and early nineteenth centuries, as Evangelicals charged, was certainly true.[214] The Congregationalists had

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[211]G. S. M. Walker, "Calvin and the Church", Scottish Journal of Theology, xvi (December 1963), 387 (the quoted clause is Walker's, not Calvin's).

[212]Sinclair, Analysis, ii, 39-40; Patronage Report, 97, 191, 244, 262; Saunders, Scottish Democracy, 21-22, 55, 59, 383.

[213]Proceedings of a Meeting of the Inhabitants of Kirkcaldy, and Its Vicinity, for a Reform of Parliament, Held in the Burgher Meeting-House, Linktown, on Thursday, 5th December, 1816 (1816), 12-13.

[214]Burleigh, Church History, 323.

increased the number of their places of worship from six in 1773 to seventy-three in 1825. The Episcopalians had about that same number of chapels in that latter year. However, the vast bulk of Protestants outside the establishment belonged to the Presbyterian sects.

How many Presbyterians outside the kirk were there? Estimates vary and "statistics" hardly exist. Perhaps the closest guess one can make is that in 1825, of a total population of perhaps 2,200,000, somewhat over 1,500,000 were affiliated with the established church and perhaps 325,000 with the Presbyterian sects. The latter had grown to that figure, one may estimate, from about 100,000 in 1766 after the second secession. Of the approximately 325,000 Presbyterians outside the establishment (these figures of course include children), one denomination, the United Associate Synod of the Secession Church, could have claimed perhaps 60%. The remainder were scattered among five other sects.[215]

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[215] Scots Magazine, xcv (May 1825), 601; Edinburgh Almanack 1825, 372-378, 379; Sinclair, Analysis, ii, 47, 53; ECI, xxiv (September 1825), 581-582, xxv (March 1826), 159, 162, xxx (January 1831), 47; [John Ballantine], A Comparison of Established and Dissenting Churches (n.d.); [Bridges], Appeal; Moncreiff Wellwood, Erskine, 455; Sir James Wellwood Moncreiff, Lord Moncreiff, ed., Sir Henry Moncreiff Wellwood, A Brief Account of the Constitution of the Established Church of Scotland; and of the Questions Concerning Patronage and the Secession (1833), Appendix, 69n, 70n; Patronage Report, 23, 157-159, 218, 262, 371; James Gray Kyd, Scottish Population Statistics including Webster's Analysis of Population 1755 (Scottish History Society, Third Series, xliv), xvii; Latourette, Revolutionary Age, i, 102-103.

Presbyterians outside the kirk were particularly strong in certain areas in the Lowlands, especially in the cities and the Borders.[216]

While greatly concerned about the growth of secession and dissent, the critics of patronage charged too that the system bred an even worse evil: irreligion. If one takes the figures of the previous paragraphs and allows for perhaps 75,000 non-Presbyterian Christians, as many as 300,000 of the Scottish people may have been without a church connection in 1825.[217] "All Scotland," claimed one Evangelical, "will re-echo, that the practical working of the system of church patronage...has been such as to have induced in most of her parishes...apathy...and a deep-rooted indifference to the spiritual." He further remarked that the very "farce" of moderating a call in a settlement "exposes religion to contempt, and brings ridicule on the clergy."[218] Forsaking their unwanted pastors and the establishment, many left the church to live outside any denomination.[219] For many,

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[216] Patronage Report, 80, 253-254, 291-292, 297; [Ballantine], A Comparison of Established and Dissenting Churches; ECI, xxvi (January 1827), 9-12.

[217] Scots Magazine, xcv (May 1825), 601 and other references from note 215.

[218] Patronage Report, 97-98.

[219] Patronage Report, 202, 243-244.

particularly in more remote areas, there simply was no meeting-house alternative to the parish church. Then too, in parts of the cities the low state of life abetted the neglect of religion.[220]

Was patronage responsible? If the proponents of the system's reform thought so, at least one Moderate sought to have other factors recognized. John Lee acknowledged that the lack of accommodation in parishes churches had fostered irreligion. However, he went on in a rather sophisticated analysis to suggest that the development was due

> very much to the new distribution of population, arising from the practice of converting a number of small farms into a large one, and to the different mode of living in consequence of the increase of manufactories, the extensive use of machinery, and other causes.[221]

If both Moderates and Evangelicals agreed then that there had been a growth of irreligion, both also agreed, however, that the vast majority of the folk could still be counted pious. The difference arose when many Evangelicals alleged that this was only <u>despite</u> patronage.[222]

We have seen then how Evangelicals intent on the reform of Scotland's mode of appointing pastors attacked

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[220] <u>Patronage Report</u>, 296, 310; <u>Public Meetings 1833</u>, 13.

[221] <u>Patronage Report</u>, 467.

[222] <u>Debate anent Calls</u> 1832, 10.

patronage at many points. They were able to find the evidence that they thought convicted patronage in many aspects of the Scottish ecclesiastical experience. They did not, however, limit themselves to ammunition made in Scotland. The horror of the practice of church patronage in England struck them as a startling illustration of what could happen in Scotland if the situation continued to deteriorate. The critics of patronage therefore held up to their audiences this lesson of the English example. Particularly they liked to point up the materialistic outlook reflected in advertisements for the sale of patronages in the English press. These offers of sale stressed such things as the amount of the tithes, the extent and condition of the rectory and land, the sporting opportunities, the distance from the nearest urban center, and of course the advanced age of the incumbent.[223] Some put the case that were Scottish patronage to reach so evil a degree the situation would be even worse in the northern kingdom. There, without the set liturgy which could be of value in itself, the bad character of the cleric would be even more felt.[224]

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[223] 3 PAMAA (1828), 12-13; Patronage Report, 289; Brown, Fathers, 37-40.

[224] Patronage Report, 70, 245.

Heathen and profligate patrons,
Political influences,
Nepotism and simony,
Warped young applicants and incompent
incumbents,
Plurality,
The decline of the eldership,
Lack of church accommodation,
Secession, dissent, and irreligion.

As to set liturgies, the priests of the patronage reform movement had almost a regular litany which invoked the abuses of the system. Here was the ammunition of the anti-patronage orator, the polemic of the pamphleteer. These loci represented to many Evangelical eyes the vulnerable places in the system's defense. By attacking at these points the reformers initially hoped to improve patronage. When that attempt failed, they found that these same points of attack could serve the cause of abolition.

CHAPTER IV

IN DEFENSE

While the proponents of the reform of patronage attacked the institution in a variety of ways, the less vocal opponents of change concentrated their defense at a few points. They put the case that patrons did have the ability to choose pastors. In any event, so their defense continued, examination of candidates by the courts of the church prevented the unqualified from being considered. A few sought to defend patronage on theological and historical grounds. More, however, pointed to patronage as the key factor in the church establishment. They depicted patronage as the crucial link between church and state. This link provided the valued connection between the church on the one hand and the Crown and the landed interest on the other. Further, the opponents of reform defended the quality of clergy who entered the service of the kirk under patronage. They pointed also to the peace and unity which patronage had fostered within the establishment. Finally, much of the support for patronage arose simply from a general aversion to change.

The supporters of the patronage system asserted that patrons were the best judges of candidates for appointment

to parishes. "In the rank, the intelligence, and the honourable feelings of those by whom the right of patronage is in general held," said one defender of patronage, "we have the best security."[1] The people, so the argument continued, could judge only a candidate's preaching. In their simplicity they could be misled by the dazzle of rhetoric. Patrons, on the other hand, had far more information on aspirants. They could judge character and learning and all the other qualities necessary to success in the varied duties of the pastoral office.[2] Patronage, wrote one pamphleteer, "is fitted to secure to us a talented, able, and not merely a popular ministry."[3] One adamant defender of the status quo was Robert Whigham of Hallidayhill, advocate and veteran Moderate member of General Assembly. He even claimed that patrons who were not themselves members of the Church of Scotland did well in choosing that church's clergy. In particular he had in mind Episcopalian patrons. Their Christianity, he thought, differed from that of the kirk

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[1]Debate anent Calls 1832, 57.

[2]Anon., The Question of Church Patronage in Scotland, Attempted to Be Rightly Stated, and Fairly Considered; in a Series of Short Essays, Which Originally Appeared in the Edinburgh Advertiser (1833) (hereafter Question of Church Patronage), 4, 18-19; Patronage and Calls, 33.

[3]Brown, Letter to Chalmers, 3.

only in polity, not in theology.[4] Nor did defenders feel that lack of land in a parish prevented a patron from making a good choice of a presentee. The Duke of Buccleuch's intelligent exercise of patronage in parishes where he owned not an acre illustrated the point. The fact that His Grace was an Episcopalian also illustrated the previous point.[5]

Some who defended the ability of patrons to select ministers often noted too that since about 1815 a number of patrons had begun a practice which many thought an improvement. Many patrons were now attempting to ascertain the reactions of pious parishioners to potential presentees. This, it was acknowledged, was in large part in response to the demand of public opinion that the feeling of the parish not be ignored.[6]

Continuing their defense of the institution, the advocates of patronage argued that patrons had to choose their presentees from among the licentiates of the church,

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[4]Patronage Report, 442; for Whigham see Patronage Report, 423, 439; Debate anent Calls 1832, 64, 88-89; [Bridges], Political State 1811, 46-97.

[5]Patronage Report, 137.

[6]Debate anent Calls 1832, 84; ECI, xxiv (January 1825), 49; Patronage Report, 338; Patronage and Calls, 42 and passim.

those whom the ecclesiastical courts had judged qualified.[7] So well had those courts responded to their responsibility that in recent years they had held to the highest standards in granting license. Indeed, so great were the educational attainments of candidates in particular that the Scots clergy of that day probably surpassed any clerical body of any other time or place in intellectual equipment.[8] For the defenders of patronage this was a sufficient reply to the aspersions cast by critics of patronage on the preparation of young men for pastoral office.

The proponents of the patronage system further pointed out that, after the patron had presented, the presbytery had then to consider the presentee's fitness for the particular parish. Also at that stage parishioners could raise objections to the presentee's life and doctrine. On any of these points the presbytery could find the patron's choice unsuitable and reject him.[9]

Critics of patronage of course responded to this claim that the church courts served as a sufficient safeguard

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[7]Debate anent Calls 1832, 82-83; Patronage Report, 350, 373; Question of Church Patronage, 2; Little Dunkeld Debate, 14.

[8]Debate anent Calls 1832, 82-83; Mathieson, iv, 84-85; Patronage Report, 350.

[9]Brown, Letter to Chalmers, 18-21; Patronage and Calls, 14-16.

against bad presentations. Patrick McFarlan, Minister of the West Parish of Greenock, asserted that presbyteries in practice could reject for license and admission only those who were "grossly deficient" in learning or "obviously unworthy" in character. Then too, if perchance denied license by one presbytery, a young man could often find another court more friendly to his case.[10]

Evangelicals like McFarlan often measured life by the standards of Scripture and the Reformation. When it came to patronage, as we shall see later, they put the case that the institution violated those standards. Among the defenders of patronage at least one chose the same ground on which to meet the attack of the Evangelicals. This defender was of all people the brother of George Sinclair, Younger of Ulbster, president of the anti-patronage society. John Sinclair, third son of Sir John Sinclair of Ulbster, had left the kirk to become a clergyman of the Episcopalian communion.[11] No evangelical, but a high churchman, he wrote a pamphlet directly opposing the ideas and activities of his eldest brother. He remarked that

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[10] Patronage Report, 148, 151; see also Mathieson, iv, 85.

[11] DNB, xviii, 305-306; Mitchison, Agricultural Sir John, 234-235. Serving a chapel in Edinburgh at the time he wrote his pamphlet (Edinburgh Almanack 1834, 443), he spent most of his career in the Church of England, rising to the post of Archdeacon of Middlesex.

> though much ingenuity has been exerted to bring out of Scripture some express warrant for popular election, it appears to us to have been attended with an almost total want of success.[12]

Scripture, he said, gave the clergy the right not only to judge the qualifications of candidates, but also the right to give patronage to those who had endowed the church. In so doing he suggested that the early clergy had made a good bargain. Lutheran and Calvinist theology and the lessons of history, he thought, further strengthened his case against popular choice and for patronage.[13]

Perhaps the most frequently used defense was the assertion that patronage was indispensable to the establishment of the Church of Scotland. "Patronage," testified Robert Whigham, the advocate, was "almost the only element which combines it [the church] really with the state." To modify or replace patronage was to endanger the national, legal, established status of the kirk. Without patronage, Whigham suggested, the Church of Scotland would be just another denomination.[14] In the view of the defenders of patronage, church and state had entered into a concordat which

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[12]John Sinclair, Essay on Church Patronage; or A Brief Inquiry on the Ground of Scripture and Antiquity, into the People's Right of Choosing their own Minister (1835) (hereafter Essay on Church Patronage), 2-3.

[13]Ibid., 38-40, 42.

[14]Patronage Report, 431, 434; see also 115, 265, 421.

established the church and gave it the teinds. In return the Crown and the other patrons received the right to present the clergy. Besides almost all Moderates, the defenders of patronage included a number of Evangelicals. One such Evangelical, Lord Moncreiff, Senator of the College of Justice, agreed that the abolition of patronage might endanger the church-state connection and the teinds.[15] Robert Bell, Evangelical and Procurator of the Church, echoed Whigham that without patronage the kirk would be just another "voluntary" sect.[16]

Opponents of patronage hastened to refute this serious charge. They asserted that patronage in no way strengthened the connection of church and state, but in fact weakened it. "So far from endangering the connection," testified David Welsh, Regius Professor of Ecclesiastical History in Edinburgh University, "a change of system, more than anything else, would be the means of rendering the connection...sure and indissoluble."[17] The Evangelical opponents of patronage put the case that the early church had enjoyed establishment without patronage, that the church-state connection did not subordinate the church to the state,

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[15] Ibid., 59-60, 190, 213, 277, 421.

[16] Ibid., 115.

[17] Ibid., 253; see also for example 144.

and that the state had wrongfully imposed patronage on the unwilling church.[18] Even George Cook of St. Andrews, the Moderate leader and church historian, conceded that patronage was not "absolutely necessary" to the connection of church and state.[19] Stevenson M'Gill, the Evangelical Professor of Divinity at Glasgow, suggested that "the true way" in which the kirk served as the established church was not in being "made a tool of the state." Rather, it was "making a moral, virtuous, sober, and orderly people."[20]

Patronage, said Patrick McFarlan in continuing the reformers' case, made "that union of Church and State odious" and endangered the connection.[21] The existence of patronage in the kirk strengthened disestablishmentarianism.[22] Ironically, voluntaries agreed with the defenders of patronage that the institution was of the essence of establishments. To the voluntaries this was just added evidence of the evil of a state church.[23]

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[18] ECI, xxvii (June 1828), 379-380; Patronage Report, 253, 274, 282, 307-308.

[19] Patronage Report, 353.

[20] Ibid., 307-308.

[21] Ibid.,, 147.

[22] See for example Ibid., 162; see also infra, chapter eleven.

[23] Patronage Report, 390.

The champions of the state church's mode of pastoral appointment went on to point out a valuable effect of patronage. This was the attachment of the Crown and the landowners of Scotland to the interests of the kirk. In the exercise of church patronage the government showed concern for the religious life of the kingdom. To eliminate patronage, some urged, would be to lessen the government's means of information about the needs of the nation and reduce the state's support of "the sacred matter of christian instruction."[24]

This was, however, an age when the landed class loomed larger in Scotland's life than did the Crown. Thus, more than the state's support, defenders of patronage emphasized the useful friendship toward the church that patronage fostered in the aristocracy and gentry.[25] Moderate witnesses before the 1834 House of Commons select committee on Scottish church patronage testified that the abolition or even modification of patronage would alienate the landed interest from the church. They included in this group not only patrons and those heritors whom the Crown consulted in its presentations, but the entire propertied class of the

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[24] Ibid., 138, 185.

[25] Patronage and Calls, 22-23; Patronage Report, 185, 444.

country. A member of the committee (probably George Sinclair, its chairman) indignantly asked if they meant that patronage alone attached the upper ranks to the church. What, he questioned, of "their approbation of its doctrines and the sense of the inestimable benefits which it confers upon the country?"[26]

Actually, as Moderates pointed out, there was more to the friendliness of the patronal class than the right of presentation alone. The friendliness derived in part at least from the practice of employing aspirants for presentation as tutors in the homes of the aristocracy and gentry. Not only did the would-be minister acquire a genteel polish, but he also often obtained the lifelong friendship of the landed family. This was a friendship not only for himself, but also for the kirk.[27] Sir Walter Scott, when asked by his old tutor, the Evangelical Minister of Montrose, to support the movement to reform patronage, replied: "Nay, nay... I'll not do that, for if that were to be done, I and the like of me would have no life with such as you."[28] Knowing the clergy, the upper ranks of society condescended to befriend the kirk.

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[26] Patronage Report, 136-137, 269.

[27] Ibid., 262-263.

[28] Scott, Fasti, v, 414-415.

The critics of patronage became indignant when the champions of the institution pursued this line of defense. William Cunningham, the young Evangelical Minister of Trinity College Church, Edinburgh, said that

> to allege that they [the landowners] would take less interest in the church if patronage were abolished, is to cast the severest reproach, the blackest stigma upon them, that their bitterest enemies could have contrived or wished, in as much as it implies that they are totally and shamefully ignorant of all the principles on which a national establishment of religion ought to be founded, and that...in all the concern they have hitherto manifested for the good of the church, they have been influenced solely by a regard to their own personal interests, actuated exclusively by base, unmingled and unprincipled selfishness. If the patrons and heritors of Scotland really be such men...then they are not fit persons to have the appointment of Christian pastors, and the sooner they are deprived of it, the better.[29]

Cunningham doubted that, even if the upper ranks withdrew their friendship from the church, they would be so foolish as to be openly hostile, for no other establishment would ever be possible in Scotland.[30] Furthermore, said Patrick McFarlan, to extend the choice of pastors to a larger group beyond the ranks of the patrons would better attach the church to "the community of Scotland." Such a change, he believed, would give the kirk an even firmer connection with

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[29] Patronage Report, 281.

[30] Ibid.

the state.[31]

As the critics of patronage sought to refute its champions, so the latter in their defense strove to counter one of the former's frequent charges. This was the accusation that the clergy whom patronage had put into parishes were poor pastors. The Moderates attempted to vindicate patronage by painting a positive and praiseworthy portrait of the parish minister. What they were defending was the image of the Moderate minister. Patronage had produced, they held, a body of clergy in the Church of Scotland who enjoyed the world's admiration.[32] George Cook asserted that under the operation of the Act of Anne the clergy had earned "the affection and the gratitude of the great body of the people." He believed that they merited this because of their diligent and friendly ministry, because of "their tender concern both for the temporal and the spiritual welfare of their parishioners."[33]

The Moderates particularly remarked "the literary tastes and gentlemanly manners and feelings" of the better, i.e. Moderate, clergyman, whom patronage had favored. It was, pointed out one pamphleteer, necessary to preserve

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[31]Patronage Report, 144; see also 307.

[32]Sinclair, Analysis, ii, 63; Question of Church Patronage, 2.

[33]Patronage Report, 337.

patronage, for patronage provided "the silken tie" that linked the clergy to the upper class. That link of course provided the cultivation and respectability that made the established clergy so superior. One had only to contrast them with the ministers of the Presbyterian sects outside the establishment.[34]

Further, as has been suggested, patronage permitted the employment of those clergy who had no great popular appeal, but quieter talents. The case of Thomas Reid, the great philosopher, illustrated the point. When presented to his parish the folk resisted him as an unwanted intrusion; when he left for an Aberdeen chair they even more greatly resisted his transfer from them. The moral was obvious. It sometimes took a little time for people to recognize the merits of their ministers.[35]

Another advantage that patronage gave to the clergy was independence. Advocates of patronage reform might charge that the system made ministers dependent upon patrons. The vindicators of the institution stressed the other side of the coin, that patronage freed ministers from dependence on the people. They were not beholden to a

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[34]Patronage and Calls, 22-23, 30; Patronage Report, 262, 265-266; Mathieson, iv, 23-25.

[35]Patronage and Calls, 17, 21; Patronage Report, 262-263, 337-338.

popular electorate and could do their duty "freely and fearlessly."[36]

Yet a further blessing attributed to patronage was the peace and unity that defenders believed prevailed within the Church of Scotland. Patronage, proclaimed Principal Duncan MacFarlan of Glasgow, a prominent Moderate, not only gave quiet to the church, but also "contributed materially to the general peace and tranquility of the country." To abolish patronage, so its champions contended, would mean heated popular contests resulting in additional secession and dissent. After the noisy battle of a pastoral election the disappointed would depart, leaving a legacy of bitterness. According to the defenders of patronage the people simply were not fit to choose their ministers.[37]

Important as were the various points in the case that the friends of patronage presented on its behalf, perhaps of greatest weight in the balance against reform of the institution was a general antipathy toward change. Many who moulded public policies in the early decades of the nineteenth century shared this outlook. A. V. Dicey called this

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[36]Patronage and Calls, 30-31.

[37]Debate anent Calls 1832, 23; Patronage Report, 262 (Macfarlan), 445; Patronage and Calls, 35-37, 41. The pros and cons of the ability of the people to choose their pastors will be considered further infra, chapter eight.

era a period of "Old Toryism" marked by an "intense satisfaction with things as they were."[38] Certainly, some reforming ideas, after the repression of the epoch of the French Revolution, began again to gain a following among the masses. However, the ruling ranks of society generally resisted any attempts to tamper with existing institutions, whether the House of Commons, patronage, or gentlemen's breeches. The hindsight of history sometimes clouds the fact that reform movements were stiff, uphill struggles.[39] Then too, the ideological climate in Scotland may have been additionally hindering to the success of such movements. This attitude was a legacy from the Enlightenment in Scotland, which, unlike the Enlightenment elsewhere, had inculcated "a cautiousness in regard to reform."[40]

The defenders of patronage showed themselves definitely the heirs of the Scottish Enlightenment in this respect. The Moderate leader, George Cook, testified that to set aside patronage "appears to me incredibly hazardous,

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[38]A. V. Dicey, Lectures on the Relation Between Law & Public Opinion in England during the Nineteenth Century (1914), 62.

[39]See for example Craik, Century of Scottish History, chapter xix; Gordon Donaldson, ed., R. L. Mackie, A Short History of Scotland (1962), 230-231.

[40]H. R. McKnight, "The Scottish School of Sociology" (Ph.D. dissertation, University of North Carolina, 1963), chapter ii.

and a kind of policy of which I cannot even form a conception."[41] Nothing appeared worse than an untried alternative.[42] The Episcopalian pamphleteer, John Sinclair, asserted that the people should be taught "to bear with patience trifling evils, rather than hazard all by rushing into innovation."[43] After all, no system could ever be perfect.[44] Another pamphleteer defending the status quo warned that for church and nation to begin to tamper with a right of property such as patronage was to invite the church's "final overthrow."[45]

Concluding their cases in defense of patronage, the advocates of the institution alleged that it had had no "injurious effect on the religious character of the country,"[46] They asserted that the "evils" many Evangelicals attributed to patronage were mere figments of the imagination.[47] Even the proponents of reform had to admit,

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[41] Patronage Report, 339.

[42] Patronage and Calls, 44.

[43] Sinclair, Essay on Church Patronage, 48.

[44] Patronage Report, 350; Sinclair, Essay on Church Patronage, 48.

[45] Patronage and Calls, 26-28.

[46] Patronage Report, 269.

[47] Debate anent Calls 1832, 88.

so the other side said, that there had never been a better church in post-Apostolic Christendom than that of Scotland.[48]

On the whole the defenders of patronage appear to have been less vocal in putting their case than were the institution's attackers. Perhaps the defenders failed to take seriously the organized movement for patronage reform which was getting under weigh at the end of 1824. Perhaps they were oblivious to the growing support for the attitude reflected in the following peroration:

> Patronage has done good. And what evil is there which the providence of God has not over-ruled for good? Arsenic has occasionally been useful as a medicine, and the same storm that has sunk one vessel has hurried another into port. But are poison and tempests to be ranked amongst the bounties of providence?[49]

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[48]Patronage Report, 338.

[49]Speech of...Hamilton, Strathblane, 6.

CHAPTER V

ESTABLISHMENT OF THE SOCIETY

The movement for the reform of church patronage in Scotland began in earnest in 1824. In December of that year a group of Edinburgh Evangelicals organized a society for that objective and presented a program to the public. The latter received the new venture with what was at best a mixed reaction.

The founders of the society had begun to make private preparations for its establishment about two years before the first public meeting. They had decided to launch their movement only after serious consideration and wide consultation had indicated the existence of a constituency of potential supporters.[1] The first public announcement of the intended society seems to have appeared in the Edinburgh Christian Instructor, the Scottish Evangelical organ, in May 1823. James Bridges, a lawyer who was to become the society's secretary, expanded this announcement into an anonymous forty page pamphlet. This he published in January

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[1] ECI, xxiv (February 1825), 124; [Bridges], Appeal, 1.

1824 under the title An Appeal to all Classes on the Subject of Church Patronage in Scotland: With a Plan for Its Amendment.[2]

In his Appeal Bridges proposed a "Society for Promoting the Appointment of Evangelical Ministers, by Placing Church Patronage on a Popular Footing." This could be interpreted to suggest the abolition of the institution, but what he actually urged was somewhat milder. He wanted the society to purchase any patronage that came on the market and to conduct a campaign to arouse public opinion for the better dispensation of patronage. He particularly urged the latter where patronage could not be bought, such as was the case with the patronages of the Crown. To mobilize public opinion the pamphleteer suggested public meetings, publications, prayers, pressuring members of Parliament, and "agitating the question" in the ecclesiastical courts. Bridges contemplated a society for all classes, spread over all Scotland with many auxiliary branches. He particularly urged an organization with ample room for the humbler supporter with his "penny a-week" subscription.[3] The organizers distributed subscription papers in thirteen towns and

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[2][Bridges], Appeal; ECI, xxvi (February 1827), 101.

[3][Bridges], Appeal, 30-32, 38, passim.

announced the founding meeting for 24 December 1824.[4]

On that day therefore the founders assembled to establish the society and publicly launch the movement for patronage reform. They met at the Waterloo Hotel at the east end of Princes Street, an hotel often associated with reform meetings.[5] The crowd who had come to help establish the society proved too large for the room reserved and the meeting had to move into the "great room" of the hotel. George Sinclair, prominent Evangelical layman, and Andrew Thomson, the minister who led the Evangelical revival, spoke the principal addresses. They expostulated at length against the evils of patronage. The assemblage, in a spirit of optimism, energy, and unanimity, agreed to establish the society for the general purposes proposed in Bridges' pamphlet. The meeting preferred, however, a less provocatively popular name than Bridges had suggested. It settled on the "Society for Improving the System of Church Patronage in Scotland, by Purchasing Up Rights of Patronage, and Settling Them on the Heads of Families in Communion with the Church." The name was long enough to announce the program.[6]

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[4]Ibid., 40; ECI, xxiv (January 1825), 46.

[5]Mathieson, iv, 169, 226-227, 243.

[6]ECI, xxiv (January 1825), 46, 51-55, (February 1825), 136; "Kurioikouphilos," Vox Populi, 8-12.

The founding meeting established the structure of the society in twelve articles. There was to be a head or national society in Edinburgh and as many auxiliary societies as could be established elsewhere throughout Scotland. Membership was open to anyone who paid a penny a week, ten shillings and six pence a year, or five pounds at once for life. The heir of any patron who gave the society a patronage and the executor of the estate of anyone who bequeathed it fifty pounds or more could also become life members. The articles stipulated an annual meeting in Edinburgh each November. It was to elect a president, six vice presidents, twelve "extraordinary" directors and twenty-four "ordinary" ones, with a secretary and a treasurer chosen from the latter group. Each auxiliary was also to have a representative on the board of directors. Members of any denomination could join the society, but only Church of Scotland communicants could be ordinary directors, for that body had charge of the management of the society.[7]

The initial announced objectives of the society, articulated at that first meeting, were somewhat limited. The founders saw no hope then of soon destroying patronage by a repeal of the Act of Anne. They did not contemplate any immediate approach to either the General Assembly, then

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[7] ECI, xxiv (February 1825), 137.

still dominated by the Moderates, or to government. Rather, they simply sought to implement their plan to purchase patronages. The purchased right to present was to be held by trustees, who would permit the communicant male heads of families in the parish to choose the pastor. The first such selection in any parish was to be made from a list of at least six nominees proposed by the directors of the society. This procedure to safeguard the Evangelical interest was to be followed again if there were any vacancies within twenty years after the first election. Presumably twenty years was thought sufficient for the electors to become Evangelical enough to choose their minister without the precaution of a leet from the society. The founders hoped that the example of such a system in a few parishes would convince the country that it should be extended everywhere. One founder looked forward to the time when all the folk could point out their pastor, saying "that is our clergyman,--we have purchased him with a penny a-week."[8]

It was quite natural that the desire for church patronage reform should have resulted in the establishment of a society. Sir James Stephen remarked that

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[8]Patronage Report, 28; ECI, xxiv (January 1825), 41, 46, 54-55, (February 1825), 117, 136-137, (December 1825), 834; "Layman," Hints, 4; "Kurioikouphilos," Vox Populi, 18.

> Ours is an age of societies. For the redress of every oppression...under the sun, there is a public meeting. For the cure of every sorrow... there are...vice-presidents and secretaries. For the diffusion of every blessing of which mankind can partake in common, there is a committee.[9]

London was overflowing with societies dedicated to good causes, and the non-controversial ones at least enjoyed wide support.[10] Nor did Edinburgh and Scotland lack these types of organizations, as perusal of the Edinburgh Almanack shows. The growing class of business and professional men, particularly the lawyers, provided the leadership for these movements. They were the new bourgeoisie of the New Town of Edinburgh. They were mostly young Whigs, whose organizational talents channeled their desires to improve life into a variety of societies. A number of these had religious objectives.[11] There had been a few organized reform efforts in the last half of the eighteenth century (including a small anti-patronage movement around 1788), but important endeavors did not materialize until after the Napoleonic period.[12]

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[9]Ford K. Brown, Fathers of the Victorians: The Age of Wilberforce (1961), 317.

[10]Ibid., especially 343ff.

[11]Saunders, Scottish Democracy, 88-89, 91-93.

[12]Mathieson, iv, 6; ECI, xxx (January 1831), 43-49.

The founders of the society for the improvement of patronage distinctly belonged to this class of bourgeois civic leaders, with the additional qualification that they were certainly Evangelicals (although possibly most of those who actively engaged in all these varied good works were Evangelicals). The chart on the following page[13] shows the

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[13]The information for this chart is from Edinburgh Almanack 1824, 264, 267, 272, 290, 306; Edinburgh Almanack 1825, passim; DNB; Scott, Fasti, i, 13, 83, 128-129, 158, 169, 183, iv, 235, viii, 746; ECI, xxiv (August 1825), 569, 571, (December 1825), 834, xxvi (October 1827), 729, xxvii (January 1828), 13, (February 1828), 114, (December 1828), 798, xxix (August 1830), 562, xxx (March 1831), 228, (June 1831), 453, 456; CPR, 8 (January 1831), 19, 27; 10 (June 1832), 26; 11 (August 1832), 5; 13 (October 1832), 1, 3; 14 (January 1833), 16; 15 (February 1833), 8; 17 (December 1833); 3 PAMPS (1829), 22-24; 4 PAMPS (1829), 22; Edinburgh Presbytery, xix, passim; Caithness Presbytery, passim; SRO, Index of Subscribers and Donors to the Society for Improving Church Patronage (CH.1/5/86); SRO, MS. Assembly Papers, Return of the Number, Names, and Residences of Elders in all the Parishes in Scotland 1828....(CH.1/5/119); SRO, Minute Book of the Kirk Session of Thurso, 14 April 1782 to 1 April 1833 (CH.2/414/4), 302-303, 345, 353; Sir Francis J. Grant, A History of the Society of Writers to Her Majesty's Signet, with a List of the Members of the Society from 1594 to 1890 and an Abstract of the Minutes (1890), 6, 23, 49, 77, 81, 104, 124, 154, 215, 222, 228a; Sir Francis J. Grant, The Faculty of Advocates in Scotland, 1532-1943, with Genealogical Notes (1944), 22, 35, 64, 112-113, 189, 201-202, 206, 223; The Society of Writers to His Majesty's Signet, with a List of the Members.... (1936), 383; Heron, Merchant Company, 391; Anderson, Scottish Nation, i, 273, 702-703, ii, 35-36, iii, 236-237, 516; William Anderson, The Popular Scottish Biography (1842), 71; Robert Chambers, A Biographical Dictionary of Eminent Scotsmen (1835), 192-194; Frederic Boase, Modern English Biography (1892-1921), i, 331, 437, ii, 118, iii, 587-588, iv, 793-793; [Marguerite Wood], The Lord Provosts of Edinburgh, 1296-1932 (1932), 110; Anderson, Edinburgh Clergy, 45, 53-54, 64-69, 82-85; Edward Walford, The County Families of the United Kingdom (1887), 256, 688, 788, 1013; Sir James Balfour Paul, The Scots Peerage (1904-

OFFICE-BEARERS OF THE PATRONAGE SOCIETY 1824

		Elders	Freeholders	Company directors	Justices of the Peace & Dep. Lieuts.	Bailies & Councillors	Commissioners of Police	Members, Edinb Improvement Cmt			Edinb Bible Soc	Scottish Bible Soc	Relg Tract Soc
Landed:	Lord Strathaven, M.P.												
	W. H. Craufurd of Craufurdland	x	x		x								
	James Douglas of Cavers		x										
	Major Wm. Innes of Sandside	x	x										
	J. M. Nairne of Dunsinane, W.S.		x		x			x					
	Geo. Sinclair, Yr of Ulbster, M.P.	x	x										
	Stair Stewart of Physgill		x		x								
Lawyers:	Mungo Ponton Brown, Adv.												
	John Dunlop, Adv.		x										
	Jas. Robt. Johnstone of Alva, Adv.		x										
	James Bridges, W.S.	x		x				x					
	James Cunninghame, W.S.												
	Archibald Gibson, W.S.										x		
	J. F. Gordon of Balmuir, W.S.		x										
	Andrew Howden, W.S.	x											
	George Lyon of Glenogil, W.S.	x	x	x				x					
	Matthew Norman Macdonald, W.S.												
	Patrick Tennent, W.S.	x				x							
	William Young, W.S.						x						
	Joseph Liddle, S.S.C.	x											
Surgeons:	Joseph Bell, F.R.C.S.	x											
	William Brown, F.R.C.S.	x	?										
Merchants:	Archibald Anderson	x		x		x							
	William Bonar, Banker	x	x	x							x		
	Peter Brown of Dunkinty	x	x	x									
	Walter Brown	x		x		x	x				x		
	William Thorburn												
Retired:	Lt-Col Geo. Hutchison, E.Ind.Co.		x										
Ministers:	Henry Grey										x	x	
	David Dickson, D.D.												
	Walter Tait												
	Andrew Thomson, D.D.										x		
	John Colquhoun, D.D. (chpof ease)												
	James Henderson (chpof ease)												

Other Organizations of Which the Office-Bearers of the Patronage Society Were Also Office-Bearers in 1824

	Soc for Abolition of Slavery	Lying-In Institution	Magdalen Asylum	New Town Dispensary	Soc, Relief of Destitute Sick	Inst, Relief of Incurables	Deaf & Dumb Institution	Orphan Hospital	Charity Work-House	Soc vs Begging (Savings Banks)	Phrenological Society	Hope Park Library	Watson's Trust & Hospital	Edinb Education Society	Soc for Gaelic Schools	Insts, Relg Educ, Poor Children	Sabbath School Union, Scotland	Biblio-Critical Library	Relg Subscrip & Circl Library	Soc, Promoting Christianity, Jews	Auxiliary, Irish Evangelical Soc	Auxiliary, C of E Miss Soc	Edinb Auxiliary Miss Soc	Scottish Missionary Soc	Soc, Relg Knowledge among Poor	SPCK, Edinb	Relg Tract Soc	Scottish Bible Soc	Edinb Bible Soc
Strathaven															x														
Craufurdland															x				x		x								
Cavers		x																						x					
Sandside																							x						
Dunsinane																													
Yr of Ulbster																													
Physgill																													
M. P. Brown																													
Dunlop																													
Alva																											x		
Bridges		x				x				x	x			x					x										
Cunninghame													x																x
Gibson							x			x					x					x									
Balmuir				x					x		x			x															
Howden															x				x										
Glenogil																													
Macdonald																													
Tennent																													
Young																													
Liddle																													
Bell																													
Wm. Brown																													
Anderson																													
Bonar																													
Dunkinty																													
Walter Brown*																													
Thorburn*																													
Hutchison																													
Grey																													
Dickson																													
Tait																													
Thomson																													
Colquhoun*																													
Henderson																													

*also office-bearers in various organizations in Leith.

remarkable extent of their leadership of the religious and charitable organizations of the city. These office-bearers of the patronage society were, as the Scots Magazine called them, "respectable individuals."[14] Seven belonged to the landed interest, that very class criticized for its exercise of patronage. Of the rest a preponderance were men of the law, with representatives of the Evangelical clergy, merchants, and the medical profession. At least half of the laymen were elders and about half enjoyed the rather exclusive Parliamentary franchise (freeholders). Since many were

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1914), iv, 560, viii, 87-88; James Paterson, Kay's Edinburgh Portraits, A Series of Anecdotal Biographies Chiefly of Scotchmen (James Maidment, ed., 1885), i, 151-152; George Brunton and David Haig, An Historical Account of the Senators of The College of Justice from Its Institution in MDXXXII (1832), 538; Sir Bernard Burke, A Genealogical and Heraldic Dictionary of the Peerage and Baronetage of the British Empire (1963), 2409; Scots Magazine, xcvi (September 1825), 370; RSCHS, i, 133n, viii, 2; Speech of...Hamilton, Strathblane, 4-5; John Colquhoun, Sermons, Chiefly on Doctrinal Subjects (1836), memoir, pp. v, x; Alexander Haldane, The Lives of Robert Haldane of Airthrey, and of His Brother, James Alexander Haldane (1853), 591-592, 653; [Bridges], Political State 1811, passim; SRO, Clerk of Penicuik Muniments, box 138, item 4114; Sinclair, Analysis, ii, 39; Cockburn, Affairs of Scotland, 508; Anon., Our National Church: What Is the Popular Party to Do? (1833) (hereafter What is the Popular Party to Do?), 31-32; Patronage Report, I, 197, 202; Mathieson, iv, 320, 328; Henry Cockburn, Lord Cockburn, Journal of Henry Cockburn, Being a Continuation of the Memorials of His Time, 1831-1854 (1874), i, 310-311; C. M. Birrell, ed., Thoughts in the Evening of Life: A Sketch of the Life of the Rev. Henry Grey, D.D., and Passages from the Diary of Mrs. Grey (1871), passim.

[14] Scots Magazine, xcvi (December 1825), 653-655.

landowners and some were directors of companies, the founders seem to have been men of some affluence. Some were leaders in local government. Closely interconnected in the various improving societies of the city, many, it appears, also enjoyed extensive social contact with one another. Nor was the patronage society their last mutual establishment. In 1826 alone, this very same group launched three new societies to meet needs Evangelicals saw in the new industrial age. One was an organization "for the Benefit of Apprentices in Edinburgh." Another was "for the Diffusion of Religious Knowledge over the Continent of Europe" to combat "the general prevalence of irreligion and infidelity throughout...Europe." The third sought to promote the religious interests of Scottish settlers in Canada.[15] The concentration of so much leadership in the hands of this core group may in some ways have strengthened its activities. In other ways, however, the diffusion of interests undoubtedly weakened some of these endeavors, including the movement for patronage reform.

On balance the movement probably profited more than it lost from the fact that the society's leaders constituted the zealots of the Evangelical party. The society's founders were deeply convinced of "the necessity of

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[15] ECI, xxv (February 1826), 142-145, (April 1826), 278-279.

endeavouring, upon every occasion, to secure an evangelical pastor to every Christian flock." They were strongly determined to wage their battle against the opponents of reform, whom they assumed to be "unevangelical." For the thoroughgoing evangelical no warfare could be more important than the struggle to save men's souls. Their's was God's cause. Indeed, participation in the campaign to reform the system of pastoral appointment came to be considered a good in itself and a hallmark of the zealot.[16] Among those who founded the patronage society three even had close connections with those ultra-evangelicals outside the kirk, the congregationalist revivalist brothers Robert and J. A. Haldane.

Undoubtedly the most formidable of the zealous Evangelicals who founded the patronage society, indeed the principal force behind its establishment, was Andrew Mitchell Thomson (1779-1831). Minister of St. George's, Edinburgh, Thomson was soon to succeed his mentor the aged Sir Henry Moncreiff Wellwood, Minister of St. Cuthbert's, as leader of the Evangelical party in the church. A man of vast mental energy whose knowledge extended into many areas,

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[16]Moncreiff Wellwood, Erskine, 474; ECI, xxiv (1825), 127-128, xxv (December 1826), 900, 909; [Bridges], Appeal, 27, 29-30; Chambers, Eminent Scotsmen, iv, 345; see also Edinburgh Presbytery, xix, 65-66, 638-640, passim.

Thomson earned from Edward Irving the accolade of "gladiator of the intellect." Hauck's encyclopaedia termed him "ein Mann von immensem Verstand und von unwiderstehlichen Logik." With a vast capacity for business he proved himself an outstanding ecclesiastical leader. The champion of Evangelicalism, he especially sought to assert the spiritual independence of the established church, not least in the movement to reform patronage. A controversialist of fortitude and perseverance, he drew on the seemingly endless supply of what David Masson called his "combative Calvinistic and Presbyterian energy."

Thomson appears to have been an extraordinarily powerful preacher and orator. Presented by the Town Council to St. George's in 1814 as its first minister, he turned a profit for the city in seat rents by continually filling the edifice. He also converted many of the sophisticated parishioners in that fashionable neighborhood to Evangelicalism. He made St. George's not only fashionable, but perhaps the most influential church in Scotland. As an orator Thomson had the rare ability to actually change the minds of men. He once got a great public meeting on slavery to abandon its gradualist position and call for immediate abolition. On another occasion he persuaded the previously otherwise disposed Presbytery of Edinburgh to support Roman Catholic Emancipation. Lord Brougham once said that Andrew Thomson

was the only man he feared to meet in debate. Founder and sole editor of the Edinburgh Christian Instructor, he was the leading religious journalist of Scotland. Promoter of improvements in the school system, he was a pioneer of modern education.[17]

If Thomson's intellect, energy, oratory, and activities were impressive, so too was his buoyant sense of humor. With his wit he could reduce a General Assembly to uncontrollable laughter. With his mimicry he could delightfully entertain his close friends. Human to a great degree, he loved his family, excellent music, and good claret. He throve on controversy and made enemies, but withal he could be a warm, affectionate individual.

In a rather objective obituary Thomas M'Crie, the Reformation historian and good friend of Thomson, compared

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[17]Information on Thomson is from Craven, "Thomson," passim; Jean L. Watson, Life of Andrew Thomson, D.D., Minister of St. George's Parish, Edinburgh (1882), passim; National Library of Scotland, Lundie MSS, 1809-1823, passim; Scott, Fasti, i, 105-106; DNB, xix, 714-715; Anderson, Edinburgh Clergy, 99-101, 108; Edinburgh Presbytery, xix, passim; William Anderson, The Popular Scottish Biography (1842), 718-720; Chambers, Eminent Scotsmen, iv, 343-346; Alexander Haldane, The Lives of Robert Haldane of Airthrey, and of His Brother, James Alexander Haldane (1853), 528-531, 562-563, 570-574, 580; Henry Cockburn, Journal, i, 4-5; Saunders, Scottish Democracy, 86-87; RSCHS, xii, 82; Masson, Edinburgh, 203; CPR, 14 (January 1833), 3-4; ECI, xxx (February 1832), 132-138; Mathieson, iv, 274, 277-278; Anon., Letters to "An Antipluralist".... (1826), 11; Patronage Report, 140, 202; Little Dunkeld Debate, 52-54; David Maclagan, St. George's, Edinburgh: A History of St. George's Church 1814 to 1843 and of St. George's Free Church 1843 to 1873 (1876), passim.

the Scottish Evangelical leader to Luther:

> He bore no inconsiderable resemblance to Luther, both in excellencies and defects: his leonine nobleness and potency, his masculine eloquence, his facetiousness and pleasantry, the fondness which he showed for the fascinating charms of music, and the irritability and vehemence which he occasionally exhibited.[18]

Even the Moderate leader, George Cook of St. Andrews, gladly agreed with David Welsh, the Edinburgh ecclesiastical historian and a leading Evangelical, that in Andrew Thomson the patronage society had a supporter who was "one of the greatest men our church, or any other church, had ever to boast of, and who never undertook a cause without doing it justice."[19] In founding the society to improve church patronage Thomson showed himself to be both representative and germinal. He perceived that the evangelical and reforming spirit which he himself embodied was a major historical force in his times and he sought to mould and lead it.

As has been shown, however, the establishment of the patronage society was a collective undertaking. Thomson had a number of collaborators. Probably the most important of these was James Bridges (1785-1865), the society's secretary. A Writer to the Signet, Bridges took part in many Edinburgh activities, civic as well as Evangelical. Especially

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[18] ECI, xxx (February 1831), 137.

[19] Patronage Report, 255, 354. The words quoted are Cook's.

interested in town planning, he was one of three directors of the patronage society who sat on the official Edinburgh Improvements Committee. His work on that body earned the gratitude of the chief promoter of the city's amenities, Henry Cockburn. Above all, however, Bridges gave of himself to the Evangelical cause, sitting in General Assembly and serving numerous societies. Perhaps he was the person the author of a humorous piece in the Scots Magazine had in mind when he wrote of a character whose

> fair reputation procured...the secretaryships of three Bible Associations, nine Sick Clubs, and five Benevolent Institutions for relieving poor old women in their own homes.

Bridges also had a keen interest in politics, with something of a democratic bent. He published in 1811 a useful account of the Parliamentary political structure of Scotland that pointed up the fact that a very few had control of the country's government. Despite his varied interests he seems to have served the patronage society fairly vigorously.[20]

At the initial December 1824 meeting the founders had chosen no president, intending to search for "a gentleman of

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[20]Sir Francis J. Grant, A History of the Society of Writers to Her Majesty's Signet.... (1890), 23; The Society of Writers to His Majesty's Signet.... (1936), 86; Scots Magazine, xcv (January 1825), 45, xcvi (September 1825), 370; ECI, xxiv (August 1825), 569, xxx (June 1831), 453; Cockburn, Affairs of Scotland, 330-331; [Bridges], Political State 1811 and especially p. v; CPR, 13 (October 1832), 21.

rank and character." They soon settled on one of the three originally chosen as vice presidents, James Douglas of Cavers. He was already president of the Edinburgh Religious Subscription and Circulating Library, of which many of the patronage society's directors were also office-bearers. A patron himself, Cavers was a landowner in Roxburghshire and had married a daughter of Sir David Carnegie, who but for attainder would have been Earl of Southesk. As to his character the society could not have chosen better. A prolific writer, especially on evangelical themes, his friends compared him as a "contemplative theologian" to Jeremy Taylor. A reviewer in the Edinburgh Christian Instructor praised Cavers as "a man of benevolent feelings and extensive views, one of those who are writing, and watching, and labouring, for the extension of the kingdom of Christ." Cavers does not appear to have been a particularly active president of the patronage society, but that may not have been expected of him.[21]

Of the two remaining vice presidents, one was Lord

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[21]Sir James Balfour Paul, The Scots Peerage (1904-1914), viii, 87-88; [Bridges], Political State 1811, 138; Edinburgh Almanack 1825, 218, 322, 336, 339; New College Library, Card Catalogue of Books; ECI, xxix (August 1830), 562; Haldane, Robert and James Haldane, 653; Cockburn, Affairs of Scotland, 508; Robert Chambers, The Gazeteer of Scotland (1832), ii, 145.

Strathaven (1792-1863), eldest son of the Tory Earl of Aboyne, but himself a Whig member of the House of Commons. He gave nothing to the society other than his name.[22] With George Sinclair, Younger of Ulbster, it was otherwise. A pro-reform Member of Parliament, he was the eldest son of Sir John Sinclair, Baronet of Ulbster. A vigorous Evangelical, he was to assume the leadership of the society after Thomson's death in 1831 and to replace Cavers as president.[23]

As one of Andrew Thomson's activities, the society from the beginning benefited from favorable treatment in his Edinburgh Christian Instructor. Established by Thomson in 1810, just after he became one of the Ministers of Edinburgh, the monthly became the loud voice of the Evangelical cause. Thomson tried to make it a "smart" publication. He succeeded not only in winning for it a wide readership as a religious periodical, but also in achieving a wide influence of a general nature. It even came to enjoy a fair circulation in England and Ireland. Much of its success undoubtedly derived from the quality of its clerical authors. Thomson himself wrote much, as did two other office-bearers of the

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[22]Paul, Scots Peerage, iv, 560; DNB, viii, 199-200; Southgate, Whigs, 442; Edinburgh Almanack 1825, 336. He is never mentioned in any of the proceedings or subscription lists of the society.

[23]Sinclair will be more fully noticed in a later chapter.

patronage society, David Dickson and Henry Grey. Better known to the larger world beyond Edinburgh, however, were three other regular contributors, Thomas Chalmers, John Brown of Langton, and Thomas M'Crie; the latter was not the only seceder to write for it. The prim Haldanes, the independent revivalists, thought the Instructor's style too flippant (Thomson could not banish his sense of humor from the printed page). Most people, however, acclaimed the magazine. Even its enemies admitted its interest and influence.[24]

Mathieson the historian somewhat depreciated the periodical. He called it "a blunt, but ponderous weapon," reflective of "the thought and temper of those pugnacious days" of Andrew Melville. Perhaps another commentator came closer to a proper assessment when he compared the Edinburgh Christian Instructor's service to the Evangelical revival in Scotland to that rendered the Oxford Movement by The Tracts for the Times.[25] The Instructor greeted the society to

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[24]Craven, "Thomson," 156-175, 216; Anderson, Edinburgh Clergy, 100; Mathieson, iv, 268n; Saunders, Scottish Democracy, 93; National Library of Scotland, Lundie MSS, Thomson to Robert Lundie, 9 September 1810, and List of ECI authors, 1 March 1819; ECI, xxiv (February 1825), 132, xxx (Frbruary 1831), 132-135; Haldane, Robert and James Haldane, 390; Chambers, Eminent Scotsmen, iv, 343-344.

[25]Mathieson, iv, 274, 288; Craven, "Thomson," 156-175, quoting Hector MacPherson, Scotland's Battles for Spiritual Independence.

improve church patronage as "an institution calculated to awaken attention to one of the most important branches of our ecclesiastical polity, and...to afford a remedy for a great abuse."[26] The periodical continued by its friendly publicity to be one of the society's chief assets.

The movement for patronage reform seemed at first to have few influential friends other than the society's office-bearers. The society's leaders were not surprised by its lack of supporters among the clergy. Bridges consoled his colleagues with the reflection that it was "wonderful" that among the appointees under patronage some were ready to support the reform of the institution.[27] It probably meant much to the founders of the society that behind them stood at least one respected father of the church. Thomas Randall Davidson, Evangelical Minister of the Tolbooth, had heard his clergyman father advocate the repeal of the Act of Anne. However, when the battle got underway in 1824 he was, at seventy-seven years of age, too old to take an active part. Davidson was himself a patron. During his lifetime he presented staunch Evangelicals (including a director of the patronage society) and by means of a trust arrangement

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[26] ECI, xxiv (January 1825), 41.

[27] 3 PAMAA (1828), 14.

insured their continued selection after his death.[28]

Another early clerical supporter of the society's endeavors was David Welsh, then Minister of Crossmichael, Presbytery of Kirkcudbright, and later Regius Professor of Ecclesiastical History in Edinburgh University. An avowed Evangelical and foe of patronage, Henry Cockburn remembered him as one "perfectly free from fanaticism and illiberality; amiable, well-bred, temperate, and quietly able." Welsh in 1825 contributed to the patronage movement by publishing a biography of his closest friend, Thomas Brown, the Edinburgh University metaphysician. He used the story of Brown's suffering under patronage to attack the entire institution. Welsh was a leading witness before the 1834 House of Commons select committee on Scottish church patronage. Later, as Moderator of the Assembly of 1842, he played an important

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[28]Scott, Fasti, i, 120, iii, 91, 441-442, iv, 321; SHR, i (1904), 327-329; Edinburgh Presbytery, xix, 700-701, 706-708, 710-711, xx, 28-29; ECI, xxvi (October 1827), 729, (December 1827), 862, xxvii (March 1828), 170-171, (April 1828), 240, (December 1828), 880; John Erskine, Theological Dissertations (1808), memorial sermon by Davidson on Erskine, p. ix; DNB, v, 578-579. It is somewhat ironic that Davidson's grandson, Randall Thomas Davidson, Archbishop of Canterbury, suffered what is perhaps the worst modern defeat of the Church of England at the hands of the state at about the same time that the established Church of Scotland achieved its final great victory of independence from roughly the same state.

part in leading the Disruption of the following year.[29]

A notable early convert to the ranks of the patronage society was that singular visionary, Edward Irving. Then Minister of the National Scots Church, London, he was perhaps the most famous preacher in that metropolis. Himself a victim of patronage (see chapter three, supra) and an esteemed friend of Thomson and Bridges, Irving wrote to the latter about the society in the early months of its existence:

> I...like its object well....I feel obliged for your communications and shall pray for their success, and contribute...whatever money I have to spare, certainly enough...to constitute me a member....

Irving, typically, then pronounced a blessing on the society as he was writing his letter and conveyed therein notice of that fact. Later when in Scotland he addressed a public meeting for the cause. However, as shall be seen, his misfortunes and those of his followers eventually somewhat damaged the society.[30]

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[29]Scott, Fasti, vii, 390; DNB, xx, 1148-1149; Hugh Watt, New College, Edinburgh: A Centenary History (1946), 244-245; Cockburn, Journal, i, 326; Masson, Two Cities, 96-107; Patronage Report, 220, 254; Welsh, Brown, 167-168.

[30]National Library of Scotland, Paul Correspondence (MSS. 5139), Irving to Bridges, 24 March 1825; Scott, Fasti, vii, 492-494; Whitley, Irving, passim; Andrew Landale Drummond, Edward Irving and His Circle (n.d.), 31-32, 60, 79, 105, 115-116, 125; Margaret Oliphant, The Life of Edward Irving, Minister of the National Scotch Church, London (n.d.), 227-228; MS. inscription from author to Thomson in

The early subscription lists of the organization show some other clerical support here and there. For the most part, however, the Scottish clergy seem to have been either indifferent or hostile to the new society.[31]

As to lay support the picture appears to have been no more promising. While the lay directors were a respectable enough group of gentlemen, they were able to persuade few others of their class to support the new movement. With the common folk the organization enjoyed better success.[32] Then too, the society did gain the wholehearted backing of the Scots Magazine. This widely read general publication early praised the proposal of improvement through purchase and the cause of patronage reform in general.[33]

On the whole, however, the general reaction to the establishment of the society was negative. The organization encountered two types of opponents. One group consisted of those who were totally hostile to any change in the system of pastoral appointment and who attacked the society. The

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New College Library copy of Edward Irving, For the Oracles of God, Four Orations. For the Judgment to Come, An Argument, in Nine Parts (1823); CPR, 3 (July 1829), 2; ECI, xxvii (September 1828), 581, 583.

[31] 3 PAMPS (1829), 22-24.

[32] 3 PAMPS (1829), 22-24; ECI, xxv (November 1826), 771.

[33] Scots Magazine, xcvi (December 1825), 653-655.

other group comprised those who may have thought patronage could be somewhat improved, but who did not like the society's approach.

During 1825 and 1826 the former group in particular attacked the society through pamphleteering, preaching, and the press.[34] At the annual meeting at the end of that second year one member commented that "the friends and active promoters of...this society have already met with a very plentiful share of abuse."[35] David Dickson, collegiate Minister of St. Cuthbert's and a director of the organization, reported that from the beginning his friends (Dickson had Moderate as well as Evangelical friends) reproached him for his membership.[36] In one of their reports the directors recorded that "we are taunted with the chimericalness of our knight-errantry,...with our poor array and narrow means."[37] To many the society was "a set of wild visionaries."[38] To all this George Sinclair replied that the "ridicule and animadversion" they had encountered had been hurled at them

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[34] ECI, xxv (January 1826), 76; (December 1826), 910; 3 PAMAA (1828), 8; 4 PAMPS (1829), 5.

[35] ECI, xxv (December 1826), 903.

[36] CPR, 10 (June 1832), 23.

[37] 4 PAMPS (1829), 3.

[38] CPR, 18 (January 1834), 7.

> by the unthinking and profane, and still more by those nominal Christians, who cannot appreciate in others the spirit which they themselves have never experienced.
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> . . . . . .
>
> And if we are reviled or ridiculed, let us rejoice and be exceeding glad, for great is our reward in Heaven.[39]

The revilers especially singled out the clerical leaders of the movement, Thomson and Dickson in particular. The opponents of the society charged that those Evangelical ministers sought in reality not to improve patronage, but to gain control of it for their own ends, to increase their power in the church. They further charged that these ministers sought to replace choice by patrons with choice by priests, and extreme Evangelical ones at that. The scheme of the society, were it to succeed, claimed a writer in a discussion in the Scots Magazine for January 1825, would

> fill our kirks wi' roarers, and ranters, and methodists. The poorer and ignorant classes may resort to them, but the learned and respectable o' a' ranks will desert the kirk, and go over to Episcopacy.

The critics further accused the society's clerical leaders of promoting disestablishmentarianism and congregationalism by their championship of the patronage "improvement" cause.[40]

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[39] ECI, xxv (December 1826), 901.

[40] Scots Magazine, xcv (January 1825), 81-82, xcvi (December 1825), 653-655; "Kurioikouphilos," Vox Populi, 22; 5 PAMAA (1830), 5-6; ECI xxvi (December 1827), 819.

Many patrons naturally resented the new society as a threat to their property rights.[41] Far more vocal in their attack than the patrons, however, were those others with a "vested interest," the Moderate clergy. The most important of this group was John Inglis, Minister of Old Greyfriars, Edinburgh, and a Dean of the Chapel Royal. The leading Moderate of the capital and a most respected divine, he appears to have inspired much of the opposition the society met in its early years.[42] Hostility was not limited to Edinburgh. Not infrequently those folk wishing to establish a parochial auxiliary to the national society had to contend with the opposition of their ministers.[43] A number of Moderate ministers in the Highlands spoke out against the patronage improvement venture. Richard Rose, Minister of Drainie, Presbytery of Elgin, told the Synod of Moray that he "trusted the church, and its sacred institutions, would long survive" such "schemes for her ruin." Alexander Rose, influential Minister of Inverness, not only attacked the society in a speech before the Presbytery of Inverness, but

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[41] CPR, 10 (June 1832), 7.

[42] 3 PAMPS (1829), 14-15. For Inglis see Mathieson, iv, 272, 286; Scott, Fasti, i, 42; DNB, x, 440; Cockburn, Journal, 232-234.

[43] CPR, 9 (May 1832), 8; 4 PAMPS (1829), 19.

later published his attack as a pamphlet.[44]

Perhaps the most influential pamphlet castigating the society was one published early in 1825, in the first months of the organization's existence. Dubbed the "moderate manifesto" by those at whom it was aimed, the title was appropriate, for the widely circulated document, although published anonymously, was known to have the backing of the Moderate leadership. The pamphlet represented the founders of the patronage society as "disaffected and disloyal men." It declared that any opposition to the status quo harmed the church.[45] Like the ultra-conservatives of the present Roman curia the Moderate clergy seem to have looked upon change as wrong simply because it was change.

One curious pamphlet produced during the warfare was an absurd booklet entitled Vox Populi: Or, Patrons Paid Off, by their Successors in Office, the Church Patronage Society, to Which Is Added, a Prospectus of its Principles and Projects. The pamphlet was primarily a parody on the patronage society's own publications, but the parody was not always apparent and the unwary reader might mistake it for an extreme statement of the reformers' case. The author,

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[44]CPR, 5 (May 1830), 7-9, 7 (December 1830), 6; Scott, Fasti, vi, 383, 462-463.

[45]ECI, xxiv (February 1825), 123, (May 1825), 313.

"Kurioikouphilos," mars this work on what he calls the "Penny per Week Patronage Society" with frequently inane paragraphs and verses.[46]

Perhaps the most active combatant on the Moderate side was an anonymous warrior whom his enemies variously styled the "Beau Parson of Dunse" and "Rev. Dandy." Early in 1825 he published a pamphlet attacking the character of the Evangelical divines who led the society and charging that they really wanted to replace choice by the patron with choice by the mob. "Beau Parson" attacked both by pamphlet and by preaching. Thomson, hearing of one "jejune, ill-timed tirade" by this Moderate, exclaimed: "The little dogs and all, Tray, Blanch, and Sweetheart, see they bark at us." Neither Thomson's amused scorn nor the contemptuous reply of one "Anti-dandy" could, however, silence the young attacker. He next sought to expose the weaknesses of the society and its cause in a series of articles in an Edinburgh newspaper. Thomson again dismissed "the discharges of his pop-gun" with humor and chastised the Moderate for his "lack of wit, malignity, and falsehood." The newspaper, Thomson additionally noted, was a commercial failure, obviously desperate

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[46]"Kurioikouphilos," Vox Populi, especially 7, 20-21, 26-32.

for sensationalism.[47] However, articles opposing the society also appeared in other newspapers.[48]

The society's leaders responded to its enemies with vigorous counterattacks. Thomson and company charged that the Moderate clergy naturally defended patronage, since without the institution they would never have won their "comfortable livings."[49] Marcus Dods primus, remarked facetiously that "had it not been for patronage...they never could have entertained the hope of being permitted to lull a congregation into a weekly sleep....These are our natural enemies."[50] The Scots Magazine noted that "the men who have so long reigned with absolute sway in the ecclesiastical courts" were alarmed that, should patronage go, "the power which they have so long held only to abuse it, may slip

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[47] ECI, xxiv (February 1825), 119, (April 1825), 224-226, xxv (October 1826), 762, (November 1826), 763-764, (December 1826), 911. Although the identity of "Beau Parson" seems to have been known at the time, it is difficult to determine today. The natural first candidate, the Minister of Duns, George Cunningham, had been presented in 1797 by a patron who had first consulted the people as to their wishes. This, and the fact that in 1825 Cunningham would have been fifty-nine, would seem to eliminate him. What his opponents say of him seems to suggest that "Beau Parson" was a young man seeking preferment. Possibly he was (with Scotus and Thomas Boston) simply a native of Duns. See Scott, Fasti, ii, 10; Robert Chambers, The Gazeteer of Scotland (1832), i, 256-258.

[48] ECI, xxiv (February 1825), 118-119.

[49] ECI, xxv (November 1826), 769.

[50] CPR, 10 (June 1832), 7.

entirely from their grasp."[51]

The proponents of reform attacked the character of the Moderate clergy partly at least because they found it difficult to argue or debate the matter with the defenders of patronage. The latter, they alleged, rarely put forward specific objections.[52] The Moderates, knowing that a majority of the clergy opposed any change from the present system of patronage,[53] perhaps felt that it was unnecessary to adopt a defensive posture and argue their case in detail. Inglis, the great Edinburgh Moderate, behind the scene, appeared fairly confident that the new society could do little damage. But he and his party underestimated the combativeness of Thomson's group. Thomson's challenge to "the powers that be," as he called the entrenched Moderate hierarchy, was "We defy them."[54]

Not all the society's opposition came from adamant defenders of patronage who showed a total hostility to all the new organization's aims. Sir John Sinclair of Ulbster, father of one of the group's vice presidents and also of one of patronage's staunchest defenders, was a one-time politician

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[51] Scots Magazine, xcvi (December 1825), 653-655.

[52] 3 PAMPS (1829), 8, 15.

[53] ECI, xxv (November 1826), 769.

[54] ECI, xxiv (February 1825), 123.

of some importance who thought his opinions on many things worth publication. Those on patronage he gave out in 1826. He remarked at one point that "there is no real occasion for any change." Yet he did suggest a few ways, other than those methods advocated by the society, in which patronage might be improved. For one thing, presbyteries upon vacancies could write to patrons advising them of the serious nature of presentation. Then too, patrons could be asked "to make a solemn declaration...that the person...is not appointed from private friendship or political interest." Or possibly the law even might be amended to oblige the patron to choose three nominees from which the people would make the final selection. "A total repeal of the law of patronage," warned Sir John (possibly conversant with his reformer son's real desires), "cannot be looked for."[55]

Others who admitted that the process of appointing ministers was capable of improvement had still other ideas, also in opposition to the plan of the new society. One school of thought held that licensure should be tightened up. The best known expression of this view appeared in a pamphlet of early 1825 entitled Hints for the Consideration of the Orthodox Clergy of the Church of Scotland; Suggested

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[55]Sinclair, Analysis, ii, 9-10, 39, Appendix, 5-6.

in Consequence of a Meeting Lately Held in Edinburgh, on the Subject of Church Patronage. The author, an anonymous Evangelical member of the Faculty of Advocates, styled himself simply "A Presbyterian Layman." He urged that presbyteries make the trials for license more difficult, "admitting to license only those whose orthodoxy is unquestioned and proven." Of the program of the patronage society, he wrote: "At present, in the opinion of not a few, it is a visionary scheme, and fitted to do little good." To all this Thomson and company replied that Moderates controlled too many presbyteries, and that men who would make poor pastors sometimes could pass difficult trials. In any case, they argued, if stricter licensing would ensure that patrons would choose only good men, surely it would serve as the same guarantee if the folk were given the choice. Elsewhere in his pamphlet "Layman" seemed to suggest that, while popular election would never do, choice by heritors and elders might be an acceptable alternative. Thomson dismissed the "miserable pamphlet" of the advocate as "worthless and noxious."[56]

Many thought the patronage society's plan of purchasing patronages had merit, except that the society was

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[56]"Layman," Hints, especially 10-13, 29; ECI, xxiv (February 1825), 115-133, 143, (March 1825), 206, (April 1825), 223, xxv (November 1826), 768-769; 3 PAMAA (1828), 18-19.

foolish to work in the open. Thomson replied that the society's members abhorred duplicity and that clandestine operations, if uncovered, would cause public opinion to react against the movement.[57]

Other critics of patronage who disagreed with the new society feared a different reaction. While acknowledging the shortcomings of the status quo, they feared that any organized attempt to change it, even the mild scheme of the society, would have an adverse effect on patrons. Those who held the right to present, so went this argument, would react to the attack by becoming all the more hardened in their malignant exercise of patronage. The situation would go from bad to worse.[58] Then there were those who feared "that in attempting to remove a rotten beam," the society would "endanger the stability of the whole fabric."[59]

Probably more damaging to the newly organized patronage reform movement than all these varieties of opposition, however, was one potent enemy--indifference. To begin with, the society not being simply a direct abolition movement,

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[57] ECI, xxiv (January 1825), 45, (February 1825), 124-125.

[58] [Bridges], Appeal, 27; 4 PAMPS (1829), 8; Moncreiff Wellwood, Erskine, 466.

[59] CPR, 10 (June 1832), 7.

had difficulty getting many people to understand its program.[60] While people might not oppose what they did not understand, they did not support it either. And many who did understand the objects of the organization, and who may not have opposed them, simply had no interest, not to say enthusiasm, for the cause. The difficulty was that so many who were important, who were "esteemed Christians," who were "those that have influence," ignored the society. The leaders of the new movement therefore had to count the indifferent among their enemies too, and had to prepare for a difficult struggle.[61]

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[60] ECI, xxv (November 1826), 763.

[61] ECI, xxv (May 1826), 346, xxvi (October 1827), 676, (December 1827), 813-814; CPR, 8 (January 1831), 22, 10 (June 1832), 6; 3 PAMAA (1828), 18.

CHAPTER VI

THE EVANGELICAL IMPULSE

In their determination to carry out their infant organization's formidable undertaking, the patronage reformers drew strength from underlying ideological motivations which impelled them to seek redress of the patronage grievance. Three such impulses can be discerned, two religious and one political: the evangelical, the irenic, the democratic.

The most important of these ideological motivations was the evangelical, which derived from the reformers' understanding of the teachings of Scripture and the church fathers. For Evangelicals the Bible as the unique, revealed Word of God, was the authority on all questions, especially the ecclesiastical. To the words of the fathers, especially the fathers of the early church and the Reformation, the Evangelicals ascribed an importance second only to that of Scripture. "I think," said Alexander Dunlop, the advocate, to the 1834 House of Commons select committee on Scottish church patronage, "that generally all who object to patronage...object to it on the ground that it is

inconsistent with the principles of the church."[1]

For those who sought the reform of the mode of pastoral appointment, therefore, the Bible was of paramount importance. Indeed, those who had abolished patronage in the mid-seventeenth century and those who had attacked it in the eighteenth had found in Scripture the imprimatur for their position.[2] So too the anti-patronage Evangelicals of the early nineteenth century, whose Christianity was nothing if not grounded on Holy Writ, looked to the Bible for their essential warrant. As Thomas M'Crie, the seceder historian, put it:

> The ministry of the gospel is a divine or supernatural institution, being to be found only in the Bible; and all the essential regulations with respect to everything relating to it, and among the rest, to the choice and appointment of ministers, must be derived from the Scriptures...that is the doctrine of the Church of Scotland in her standard books.[3]

Although occasionally some might refer to the practice of ancient Israel, the precept of the apostolic church as reflected in the New Testament was crucial.[4] Certainly, however, the hermeneutically unsophisticated Bible readers

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[1] Patronage Report, 25.

[2] Patronage Report, 360; ECI, xxx (January 1831), 45.

[3] Patronage Report, 355-356; see also Craven, "Thomson," 215.

[4] CPR, 10 (June 1832), 6.

intent on changing the system for selecting ministers were not unanimous in their understanding of New Testament texts.

On one conclusion, however, they were agreed--that Scripture gave no authority for the institution of patronage. Again and again they pointed out that nowhere could any reference whatever be found to patrons and patronage.[5] Somewhat facetiously James Kidd, the revered Aberdeen divine and Evangelical leader, invited the second annual meeting of the society to consider the tenth chapter of Matthew, in which Christ commissions his followers to preach to the world. "There is no presentation to force themselves on people," Dr. Kidd remarked to a laugh. "Far from that. My Redeemer never sent a presentation, and yet he has sent forth apostles to preach the words of eternal life--(hear, hear, hear.)."[6] In like vein another speaker addressed another anti-patronage audience. He remarked that the defenders of the institution had no warrant from Holy Writ, "unless the conduct of Jeroboam, who made priests of the lowest of the people, to serve the golden calves, should be adduced in support of their cause.--(Applause.)"[7]

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[5] ECI, xxiv (January 1825), 44, xxvi (April 1827), 256; Speech of...Hamilton, Strathblane, 2; 6 PAMAA (1831), 15; see also Patronage Report, 273.

[6] ECI, xxv (December 1826), 906.

[7] 5 PAMAA (1830), 10.

Some went further, alleging not only that patronage lacked any Biblical authority, but also that "divine revelation" expressly prohibited the institution.[8] What then did Scripture prescribe? At that point the opponents of patronage divided in their interpretations. The greatest divergence arose over the doctrine of the divine right of the people to choose their pastors.

This doctrine had been important in the thought of a number of early-eighteenth-century Evangelicals (those of the "high" or "popular" party). Indeed, insistence on the doctrine's validity had been largely responsible for the two major secessions of that century.[9] In the early nineteenth century members of the patronage society embraced the doctrine and proclaimed it anew, helping to create the ideological outlook that contributed to the Disruption. The chief exponent of this extreme interpretation of the Biblical precepts on the selection of clergy was James Bridges, the society's secretary. In writing and speaking he repeatedly made the claim that it was the "divine," "Gospel right of Christians to choose their own ministers."[10]

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[8]Edinburgh Presbytery, xx, 1-7; ECI, xxv (October 1826), 757.

[9]ECI, xxvi (May 1821), 354; Patronage Report, 42; see also supra, chapter one.

[10][Bridges], Appeal, 12-13; ECI, xxiv (January 1825), 42-44, xxv (May 1826), 345-346, 352, (November 1826), 765.

Bridges and those who agreed with him based their interpretation essentially on three passages in the book of Acts. The first (1:15-26) is an account of the choice of a successor to Judas. The one hundred and twenty disciples, under Peter's leadership, first nominated two of their number who had been with Jesus from His baptism. Then the disciples "gave forth their lots; and the lot fell upon Matthias; and he was numbered with the eleven apostles," as the King James Version phrases it. Bridges held that the disciples had elected Matthias. He pointed out that the Greek word Luke used for "numbered" here has "a constant reference to decisions and elections by suffrage." He further pointed out that when Judas had been "numbered" among the apostles "the sacred historian" had employed a different Greek word, one meaning "enumerated." Bridges concluded that here was proof, therefore, for the right of the people to elect their pastors.[11]

The second passage from Acts (6:2-6) contains the narrative of how, on the invitation of the apostles, "the multitude of the disciples" "chose" seven men (deacons) to handle some of the lesser business of the church, freeing

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[11] ECI, xxiv (January 1825), 42-43, xxv (May 1826), 347, (December 1826), 906, xxvii (February 1828), 105, 112, (November 1828), 765-766; 4 PAMPS (1829), 9-10; Speech of... Hamilton, Strathblane, 2-3; [Bridges], Appeal, 12.

the apostles for the ministry of the Word. Seconding Bridges' divine popular right interpretation of this text, Kidd of Aberdeen told the second annual meeting of the patronage society that the apostles

> ordered the congregation to look out among them seven men....Among others they chose holy Stephen, the first martyr, whose excellence cannot be described. He was chosen by the people, and he laid down his life...in the cause of God. The people had therefore capacity to choose pastors.[12]

The last of the three influential passages from Acts (14:23) relates, in the words of the King James Version, that "they had ordained them elders in every church...." Bridges, Kidd, and company believed that this too enjoined the popular election of pastors. "Elders," they said meant ministers. "Ordained" meant elected. According to Bridges, James VI, "a violent episcopalian," forced his translators to render the word "ordained," whereas almost "all the ancient translations" read "elected". Bridges and his friends assumed that the antecedent of "they" is the Christian people.[13]

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[12] ECI, xxiv (January 1825), 42-43, xxv (May 1826), 347-348, (December 1826), 907 (Kidd's remarks), xxvii (February 1828), 105; [Bridges], Appeal, 12; CPR, 8 (January 1831), 7; Speech of...Hamilton, Strathblane, 2; 3 PAMAA (1828) 4-5; 4 PAMPS (1829), 9-10.

[13] CPR, 8 (January 1831), 15-16, 10 (June 1832), 17; ECI, xxiv (January 1825), 42-43, xxv (May 1826), 347, (December 1826), 907, xxvii (February 1828), 105-107, (November 1828), 766-767; 4 PAMPS (1829), 9-10; [Bridges], Appeal, 12.

Although the most important, these three passages from Acts were not the only New Testament texts advanced by the proponents of reform. Kidd was particularly receptive to the popular right message recorded elsewhere. He pointed to another verse of Acts (15:22), describing how "the apostles and elders, with the whole church" sent "chosen men" on a mission. He thought that this too was proof that the people participated in the choice of church leaders.[14] Elsewhere in Acts (10) Kidd found the origin of the right of the people to call pastors to minister to them. This passage described the request to Peter from the household of Cornelius the centurion.[15] In Christ's command to "beware of false prophets" (Matthew 7:15) the Aberdeen divine saw the authority for congregations to judge their clergy.[16] Turning to Paul's Letter to the Romans (8:16-17), where "the children of God" are called "joint heirs with Christ," he discerned the right of the people to appoint pastors as Christ had done.[17] The same right he also found authorized in Paul's first Letter to the Corinthians (3:21-23). There

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[14] ECI, xxiv (January 1825), 42-43, xxv (December 1826), 907. All quotations in this paragraph are from the King James Version.

[15] ECI, xxv (December 1826), 905-906.

[16] Ibid., 906.

[17] 3 PAMAA (1828), 4.

the apostle tells the Christians of Corinth that "all things are yours; Whether Paul, or Apollos, or Cephas...."[18]

In the January 1825 number of the Edinburgh Christian Instructor Andrew Thomson listed a number of these Biblical sources for the doctrine of the divine right of the people to choose pastors, and added two others. He pointed out the statement in Paul's first Letter to the Corinthians (16:3) that "whomsoever ye shall approve by your letters, them I will send to bring your liberality unto Jerusalem." He also asserted the relevance of a passage in Paul's second letter to the same group (8:19), which referred to "a brother" sent to minister in Corinth "who was also chosen of the churches."[19]

To all these "proofs" that the Word of God enjoined the election of pastors by the people some other proponents of patronage reform replied with strong denunciations. The dispute raged in the columns of the Instructor during 1827, 1828, and 1829. The most intrepid opponent of the divine right "doctrine" was one "G. K. A." This letter writer announced that he agreed with Bridges that patronage as it stood constituted "an invasion of the rights of the Church" and was "directly opposed to our ecclesiastical standards,

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[18]Ibid.

[19]ECI, xxiv (January 1825), 42-43.

and...a gross violation of the articles of Union." Yet "G. K. A." also believed that "the right of the people, is not sanctioned by the Word of God" and that "it never has been, as I trust it never shall be, recognized by the laws of our church."[20]

"G. K. A." proceeded to refute Bridges' interpretations in some detail. Turning to the choice of Matthias as successor to Judas (Acts 1:15-26), he enters into the complexities of the Greek language and seems to maintain that the eleven apostles--not the one hundred and twenty disciples--selected the replacement. As to the account of the selection of seven deacons (Acts 6:2-6), "G. K. A." acknowledges that here may well be Biblical authority for the popular election of deacons. He goes on to point out, however, that deacons are not pastors, that the two offices are quite distinct. Warrant for election in one case cannot be taken as warrant in the other. Finally he claims in regard to the choice of elders (Acts 14:23), that Bridges' attack on James VI simply obscures the fact that it made little difference whether the word were rendered "ordained" or "elected." The real question was: Who was the antecedent of the "they" who did the ordaining or electing? The only

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[20]ECI, xxvi (February 1827), 101.

answer could be Paul and Barnabas, not the people.[21]

"G. K. A." was aware that a "number of the pillars and ornaments of our church...have become advocates for his [Bridges'] scheme." Thus it hardly surprised "G. K. A." that a number of writers to the Instructor took exception to his attack on the doctrine of the divine right of the people to choose their pastors. Those who supported the doctrine, however, largely deferred to Bridges for refutation of the points "G. K. A." had advanced. When Bridges remained silent, his opponent concluded that the case for the doctrine "still remains to be proved." "G. K. A." also pointed out that it was inconsistent for Bridges to argue the right of all the Christian people to elect their ministers when the patronage society wanted to limit the power to heads of families.[22]

"G. K. A." was not the only proponent of patronage reform to disagree with Bridges, Kidd, and company over the interpretation of Scriptural authority. "R. S.," also an author of letters to the Instructor, maintained that the choice of Matthias was by the Holy Ghost through drawing

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[21] Ibid., 105-111.

[22] ECI, xxvi (February 1827), 111, (August 1827), 565, xxvii (April 1828), 234-242, (September 1828), 582, 584, xxviii (August 1829), 533-544.

lots. On other points, however, he agreed with "G. K. A."[23] John Brown, Evangelical Minister of Langton, Presbytery of Duns, contended in a pamphlet that "the passages from the New Testament, on which the advocates of popular election found that practice, do not sanction it." Nor, he thought, did any other portions of Scripture.[24] David Dickson, collegiate Minister of St. Cuthbert's, Edinburgh and a leading director of the patronage society, as well as something of a Biblical scholar, agreed. He added, however, that Scripture did not countenance patronage and that it did mean that the people should have the right to veto whomever the proper electors proposed as pastor.[25] With this popular right of veto a majority of the Evangelical party came in time to agree. This agreement led to the passage of the Veto Act in the Assembly of 1834, to the Ten Years' Conflict, and to the Disruption.

While disagreement by society members over the divine popular right doctrine may have harmed the cause of the society, the leaders of the organization attempted to make the best of the situation. Although one auxiliary had

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[23]ECI, xxvi (April 1827), 258-261, (May 1827), 348.

[24]Brown, Letter to Chalmers, 4, 17.

[25]CPR, 10 (June 1832), 22.

officially embraced the doctrine, the national society neither affirmed nor denied it. The founding document had merely called for selection of pastors by communicant male heads of families. Noting the divergent views on the meaning of the New Testament, the editor of the society's Church Patronage Reporter responded with this nice piece of reasoning:

> According to the views of both, the principle of the Church Patronage Society is right. We thus claim for the Society the support of all classes of thinkers on this subject; of the advocates of the divine right, because it is divine, of the opponents of the divine right, because it is just, rational, and expedient.

In its official appeals the society simply stated in general terms that Scripture impelled its activities.[26]

The defenders of patronage did not believe that the Bible backed their opponents. John Sinclair, the Episcopalian clergyman and brother of the patronage society's vice president, attacked Bridges' New Testament interpretations. He used much the same arguments as had "G. K. A." John Sinclair summed up his case by writing that "during the whole of the three first centuries,--the best and purest ages of Christianity,--there is no evidence whatever of authoritative intervention by the people." He believed that

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[26]ECI, xxv (December 1826), 896, 901, xxvi (March 1827), 246-247, (June 1827), 428-429; CPR, 10 (June 1832), 23.

the Biblical precept showed that the clergy should choose the clergy, but also thought it perfectly proper that the church had given patrons the right to present in exchange for their support. He went on to recall, apropos of the divine popular right notion, that Paul had prophesied "perilous times" when men "would not endure sound doctrine," but "after their own lusts would heap to themselves teachers, having itching ears."[27]

Although they did not much bother with Biblical disputation, Moderates of course welcomed such refutations of the people's jus divinum. A few, such as John Lee, the church historian, agreed with John Sinclair that Scripture pointed to the right of the clergy to select pastors.[28]

Nor did all Evangelicals agree either with Bridges and company or with "G. K. A." Lord Moncreiff, leading Evangelical layman and son of the former party leader, could not understand how it was possible for "any of the learned clergy" of the kirk to believe that Holy Writ prohibited patronage. He thought that while there might be "no warrant" in the Bible for the institution, there was no

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[27]Sinclair, Essay on Church Patronage, 7-16.

[28]Patronage Report, 470-471; see also ECI, xxvi (May 1827), 349, xxvii (June 1828), 378.

condemnation either.[29] Patrick McFarlan, Minister of Greenock, expressed yet another Evangelical viewpoint. He wrote that "we have no authoritative rule in the New Testament," and that Biblical information on the subject was scant and inconclusive. For McFarlan the Bible did not impel patronage reform; if anything did it was not revelation, but reason.[30]

As has been suggested, those of the new society who believed that Holy Writ enjoined their undertaking, believed also that the teachings of the church fathers confirmed this Biblical impulse. Although the Church of Scotland did not give to the post-Biblical fathers of the early church any official authority, yet many held their writings in high esteem. They believed, with the leaders of the Reformation, that the works of the patristic age reflected the practice of the apostolic.[31] Citing Cyprian of Carthage, Ambrose, Jerome, Augustine, and Chrysostom, among others of the early fathers, as well as various patristics scholars, they claimed that in the church of the first centuries the people

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[29] Patronage Report, 199.

[30] McFarlan, Popular Election, Patronage, and Calls, 5.

[31] Patronage Report, 220, 227.

"were the real and proper electors" of the clergy.[32] David Welsh, Regius Professor of Ecclesiastical History in Edinburgh University, was one of the chief proponents of this interpretation. He added that even in one or two documents connected with the appointment of bishops in mediaeval Scotland there were indications that the people had once enjoyed the power.[33] What had happened to the popular right? According to interpreters such as Welsh, heretics, a corrupted papacy, and Satan himself had subverted the people's prerogative in favor of patrons.[34]

As influential as the ancient fathers in contributing to the evangelical impulse to reform were the fathers of the Reformation. Welsh, Bridges, and their friends claimed that all the Continental Reformers, Calvinist and Lutheran, opposed patronage and proclaimed the doctrine of popular choice. The advocates of this viewpoint advanced many quotations as evidence, including one from Luther "that the chief right of calling ministers belongs to the people; over whom none is to be set without their suffrage." They of

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[32] Ibid., 221-223, 356; ECI, xxiv (January 1825), 43, (September 1825), 581; 4 PAMPS (1829), 10.

[33] Patronage Report, 222.

[34] Ibid., 227; ECI, xxiv (September 1825), 581; 6 PAMAA (1831), 15; see also supra, chapter one, paragraph two.

course quoted Calvin himself, and Bridges--*mirabile dictu*--even cited some of the minority fathers of Trent.[35] Welsh emphasized Dutch thought and practice, believing the Church of the Netherlands exemplary of the best Calvinism and presbyterianism.[36]

The Calvinist and presbyterian experience of the Church of Scotland, as interpreted by Welsh, Bridges, and others, also contributed to the evangelical impulse. William Law Mathieson, the early-twentieth-century historian, has cautioned that the view of the Scottish ecclesiastical past held by Evangelicals like the patronage reformers was somewhat illusory and "sentimental." Even so the influence of that view was important for the patronage reform movement.[37] Alexander Dunlop emphasized the anti-patronage understanding in the following declaration:

> in all those periods when patronage prevailed, the efficiency of the church as impaired or destroyed; and when it did not prevail, it improved and flourished.[38]

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[35] *Patronage Report*, 223-224, 231; *ECI*, xxv (May 1826), 348-352 (whence the quotation from Luther; the italics are Bridges'), (December 1826), 896-898; 4 *PAMPS* (1829), 10-11; see also G. S. M. Walker, "Calvin and the Church," *Scottish Journal of Theology*, xvi (December 1963), 373-374.

[36] *Patronage Report*, 223-225.

[37] Mathieson, iv, 314-316.

[38] *Patronage Report*, 27.

Almost all those who supported the new society believed that Scottish presbyterianism had historically stood against patronage and for popular choice. They thought the church's "constitution," that difficult-to-define body of more or less governing documents, clearly expressed this opinion.[39] To most Evangelicals the important parts of the "constitution" were the First and Second Books of Discipline (1560 and 1578). These they held to be authoritative interpretations of Biblical dictates. They asserted that both books denounced patronage and declared the rightness of people electing their pastors. They further pointed to various pieces of evidence from the sixteenth, seventeenth, and eighteenth centuries. William Hamilton, Minister of Strathblane, Presbytery of Dumbarton, a leading anti-patronage partisan, concluded this case for popular choice and against patronage by alleging that the latter was "no more essential to our ecclesiastical constitution, than chains are to the legs of a negro, or a burden to his back."[40]

The opponents of the patronage society dismissed these arguments from the history of the church as readily as they

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[39] Ibid., 20-21, 49, 86, 226-228, 276ff, 297-298; [Bridges], Appeal, 13; ECI, xxv (May 1826), 348-352, (December 1826), 897-898; 4 PAMPS (1829), 10-11.

[40] ECI, xxvi (August 1827), 561-562, xxvii (November 1828), 768-769; [Bridges], Appeal, 13-14; Patronage Report, 21, 29, 228-229, 358-359; Speech of...Hamilton, Strathblane, 3; see also supra, chapter one.

had those from the Bible. As to the teachings of the early fathers, John Sinclair mustered evidence against the assertion that the patristic age had endorsed choice by the people. He cited various of the fathers, including some his opponents had quoted for their case, to the effect that the clergy ought to select pastors.[41] This, of course, had also been his conclusion from the evidence of Scripture.

Even though some Moderates admitted that there could be more than one understanding of the mind of the church, their party in general concentrated its counterattack against the society's interpretations of the "constitution" of the kirk.[42] They asserted that the First Book of Discipline did not support the divine popular right doctrine.[43] Then too, Principal Duncan Macfarlan of Glasgow pointed out that

> so early as the year 1565, the General Assembly, of which the celebrated Knox was a member, disclaimed all interference with the rights of patrons, and asserted only the right of the church to try and examine the presentee.

He further suggested that opposition to patronage first arose, not from any Scottish precedent, but from the foreign invader Cromwell.[44] As to the Second Book of Discipline, it

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[41]Sinclair, Essay on Church Patronage, 16-32.

[42]Debate anent Calls 1832, 67-82; Patronage Report, 61, 353.

[43]Debate anent Calls 1832, 33.

[44]Ibid., 47.

did not matter what that document contained, because the state had never ratified it. Nothing "supported only by one party to the contract," declared the Moderate leader, George Cook, could be "a part of the standards of the established Church of Scotland."[45] Dunlop, the Evangelical authority on ecclesiastical law, had to admit that, even if the state had indirectly ratified the Second Book, as he claimed, yet the secular authority had expressly repudiated the document's prohibition of patronage.[46]

Not only Moderates, but also some Evangelicals opposed the way Welsh, Bridges, and their kind read church history. "G. K. A.", no friend of the status quo, charged that the society's supporters distorted the meaning of the two books of discipline. He held that those documents laid down not the principle that the people ought to elect ministers, but that normally the people had the right of call and the opportunity to have objections to a proposed pastor heard by the courts of the church. "G. K. A." could not condone even choice by heads of families. Such novel notions, and especially the idea of popular election, were, he charged, errors in the direction of the congregationalism

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[45] Patronage Report, 317, 320-321.

[46] Ibid., 28, 388.

of independency and abhorrent to presbyterianism.[47]

Again Lord Moncreiff and Patrick McFarlan also spoke up against the interpretations of some of their fellow Evangelicals. McFarlan declared that while the First Book of Discipline did propose to give the choice of pastors to the people, that piece of legislation remained in effect only three years. Never again, he asserted, did the church propose popular election.[48] Lord Moncreiff stated that patronage had always been the rule of the Church of Scotland. He further claimed that Welsh, Bridges, and similar interpreters were mistaken in thinking true Calvinism opposed to patronage. His Lordship's examination of the Institutes revealed passages (4:4) favorable to that mode of pastoral appointment.[49]

These expressions of opposition to the Biblical and historical understandings of the society's supporters did not diminish the impact of the evangelical impulse on the patronage reform movement. The attacks of John Sinclair, of the Moderates, and of Evangelicals such as Moncreiff did not detract from the anti-patronage enthusiasts' sense of

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[47]ECI, xxvi (February 1827), 102-105, 111, (August 1827), 565-566.

[48]Patronage Report, 51.

[49]Ibid., 178, 183, 203-204.

inspiration from the sources of their faith. Moncreiff might object that the evidence from the sources, however one interpreted it, was "more a matter of curiosity than of actual importance."[50] The fact remained, however, that for the society's supporters their understanding of those sources was highly important.

The strong evangelical impulse to reform the mode of pastoral appointment was of course only part of the wider impulse to convert Scotland to evangelical Christianity. Patronage reform was not to be an end in itself, but was to be a major means to the greater good. To the Evangelicals who founded the patronage society, the spiritual state of the country, thanks to the long arid reign of the Moderates, was at a very low ebb. The ultimate goal of the society, therefore, was to provide every parish with an Evangelical minister so that everyone might regularly hear the pure Gospel.[51]

The improvement, reform, or abolition of patronage was to be the means to that end. Andrew Thomson had long been convinced that the reform of patronage was the key "to

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[50] Ibid., 170.

[51] Ibid., 23; ECI, xxiv (January 1825), 47, xxv (December 1826), 904, xxvi (October 1827), 680; 6 PAMAA (1831), 3.

any real improvement" in the Church of Scotland.[52] "Kurioikouphilos" wrote sarcastically that the Evangelicals of the patronage society desired that "penny per week ministers" be "sent forth to repair the waste places of our Zion, now tottering to its fall."[53] Later, when the society sought the outright repeal of the Act of Anne, one of its auxiliaries declared that the society expected "a revival of vital religion when the Church Patronage laws shall be abrogated." George Sinclair iterated the imcompetence of patrons to choose pastors. He asserted that the patronal class lacked "regeneration, a term synonymous with Christianity."[54] James Bridges had insisted, as early as his 1824 pamphlet calling for the formation of the society, that "the people will elect evangelical men, and that, for this cause, they should have the right."[55]

The society considered itself, then, a missionary endeavor within the general evangelical context.[56] The

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[52]Patronage Report, 255; see also ECI, xxiv (August 1825), 513-514.

[53]"Kurioikouphilos," Vox Populi, 21.

[54]3 PAMPS (1829), 4-5.

[55][Bridges], Appeal, 24-25; see also Patronage Report, 252-253, 284-285.

[56]ECI, xxvi (June 1827), 429-430.

directors called the organization "the great Home Missionary Establishment."[57] Dr. Kidd of Aberdeen thought it better than a missionary society.[58] Speaking to a Glasgow anti-patronage meeting he thus pursued his point:

> You throw money into the hands of missionaries to the heathen...why not then give a little to put a faithful gospel minister into a congregation in your own country? Are not the souls of your fellow-countrymen as precious as the souls of the heathen? Ye people of Glasgow answer! (hear, hear).[59]

The Edinburgh Christian Instructor pointed out that the Church of Scotland had been the pioneer among churches in sending missionaries overseas. It needed, however, to put its own house in order in regard to patronage. Only with that done could it hope to fulfill its mission effectively, whether at home or abroad.[60]

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[57]3 PAMPS (1829), 7.

[58]ECI, xxv (December 1826), 908.

[59]CPR, 8 (January 1831), 7.

[60]ECI, xxxii (October 1833), 704-705.

CHAPTER VII

THE IRENIC IMPULSE

A secondary ideological and religious motivation for patronage reform was the irenic impulse. This was the deep desire for peace and unity among Christians, especially for the reunion of the Church of Scotland and the seceder sects. Many of the Evangelicals who supported the patronage society felt this desire and believed that the society offered the best way to fulfill it. The organization and activities of the patronage movement can be seen, then, as a major response to the irenic impulse.

To imagine that the early nineteenth century in Scotland was such an ecumenical era as the mid-twentieth century would be erroneous. That former period did display, however, a growing spirit of toleration and friendship among Christians. A minister writing for Sir John Sinclair's Old Statistical Account in 1792 even then had remarked that people of most denominations were beginning to live together harmoniously, without the "ecclesiastical rancour" of an earlier age.[1] In 1831 a royal commission reported that,

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[1]Craig, Scottish Literature, 127.

although secession and dissent were growing in Scotland, "the prevailing religious spirit is enlarged and forbearing."[2] The very growth of sects outside the kirk may well have induced a more irenic outlook within the establishment.[3] One auxiliary branch of the patronage society warned that

> division never fails to produce strife, contention, alienation of affection, and other evils; often giving the enemies of our Holy Religion too just ground to point with the finger and say, "Behold how these Christians hate one another."[4]

Many appear to have heeded or not to have needed such a warning. This was particularly true among evangelicals within and without the establishment. Some churchmen, for example, actively supported the sects, contributing to the erection of chapels and other sectarian efforts.[5] Many seceders and dissenters, most of whom were evangelical in their Christianity, showed a distinctly irenic outlook.[6] Two of the sects, the Constitutional Presbytery and the Original Burgher Associate Synod, had been attempting to

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[2]University Report 1831, 409-410; see also Mathieson, iv, 279, 304-305.

[3]See for example 4 PAMPS (1829), 6.

[4]ECI, xxv (October 1826), 758; see also xxix (September 1830), 609.

[5]ECI, xxv (November 1826), 773.

[6]Ibid.

unite after a history of divisions.[7] A number of seceder clergymen regularly prayed for the Church of Scotland,[8] and various individual seceders without a clergyman of their own availed themselves of the established ministry.[9] Leading defenders of the idea of establishment, such as Stevenson M'Gill and Thomas Chalmers, envisioned a national church in the northern kingdom that would include all presbyterians and evangelicals, the vast majority of the Scottish folk.[10]

A few important Evangelicals of the late eighteenth and early nineteenth centuries had exhibited an irenic spirit.[11] This outlook had in part impelled the brief movement for the abolition of patronage in the late 1780's.[12] While an irenic interest had at least stayed alive in the first quarter of the nineteenth century, however, few if any had thought reunion a real possibility. The dominant

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[7] Patronage Report, 162. For the various sects see infra, this chapter, and Burleigh, Church History, passim and especially end chart, "Divisions and Reunions of the Scottish Church, 1690-1929."

[8] 3 PAMPS (1829), 19; Patronage Report, 292.

[9] The Scotsman, 10 November 1906.

[10] Patronage Report, 307; Masson, Two Cities, 90; Hanna, Chalmers, passim.

[11] John Erskine, Theological Dissertations (2nd edn., 1808), pp. xiv-xv; Moncreiff Wellwood, Erskine, 472-473.

[12] ECI, xxx (January 1831), 47.

Moderates generally felt little friendliness toward the sects, and the Church of Scotland took no steps to improve relations with those outside the kirk.[13] This can be attributed to two reasons. First, Moderates were aware that the sects, other than the Episcopalians and Roman Catholics, were almost entirely evangelical. Second, many Moderates, because they were of the establishment, felt a superiority that prevented them from treating seceders and dissenters as equals. Then too, any movement for irenic improvement or reunion faced a natural barrier: As Sir Henry Moncreiff Wellwood, the Evangelical leader, suggested in 1818, the kirk and most of the sects were so close in most matters that their few areas of difference, like patronage, had received such concentrated attention as to seem an insurmountable barrier.[14]

The seceders had not given up hope of eventual reunion, but only with the movement for patronage reform did their hopes become more than distant.[15] George Sinclair,

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[13]Patronage Report, 138.

[14]Moncreiff Wellwood, Erskine, 472-473. G. S. M. Walker has recently suggested that "Calvin strikes a proper balance between collectivism and particularity....It is this twofold character, combining the ideals of a Free Church with those of an establishment, that has rendered Calvinism at once so prone to divide and at the same time so fertile in reunion." (Scottish Journal of Theology, xvi (December 1963), 382.)

[15]Mathieson, iv, 288; Patronage Report, 164.

Younger of Ulbster, knowing that so many outside the kirk agreed theologically with the Evangelical churchmen, had written to Thomas M'Crie, the leading seceder clergyman, asking him what could be done to heal the wound of division. M'Crie's reply--that what was initially needed was a reform of patronage--stimulated the effort to found the patronage society.[16] Just as they welcomed the entire Evangelical revival within the Church of Scotland, so seceders especially welcomed the new organization.[17] Nor did all insist on the outright abolition of patronage. One of their leaders predicted that many antidisestablishmentarian seceders would unite with the kirk if the people's right to prevent the intrusion of unwanted ministers was strongly guaranteed.[18]

In the society's founding meeting of 24 December 1824 two of the principal speakers emphasized the desire for reunion with the seceders as a cardinal reason for the organization. Henry Grey, Minister of St. Mary's, Edinburgh and a divine of catholic outlook, in effect announced that this was his chief motive in supporting the society.[19] George Sinclair, in urging the society as the means to end

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[16]CPR, 15 (February 1833), 10.

[17]Patronage Report, 164, 167.

[18]Ibid., 158-160.

[19]ECI, xxiv (January 1825), 55.

secession, particularly lamented "the mortification of not numbering amongst the ornaments of our church" the illustrious M'Crie.[20] "Kurioikouphilos" taunted the society's irenic aspirations. He pretended to envision the day when its work would be successful and when "dissenters of every kind, class, and degree, shall pull down their chapels,--shake hands...and hasten to arrange themselves under the banners of the church."[21] His scornful skepticism, however, did not dampen the irenic enthusiasm of the patronage reform movement. Establishing an auxiliary society in 1826, the proletariat of Leslie in Fife concluded the argument for their organization by expressing the belief that success would be

> a result which would have a most happy tendency to heal our divisions, and to unite the friends of Jesus in the bonds of affection and love, when there should be nothing to hurt or offend in all God's Holy mountain. The Lord hasten it in his time.[22]

The supporters of the society agreed and announced that all that stood in the way of reunion with the seceders was patronage. In doctrine, discipline, and worship they saw no essential difference.[23] Thanks in part to the

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[20] Ibid., 46-47.

[21] "Kurioikouphilos," Vox Populi, 25-26.

[22] ECI, xxv (October 1826), 758.

[23] Patronage Report, 190, 255, 266; ECI, xxvii (April 1828), 292; Moncreiff Wellwood, Erskine, 455.

efforts of Archibald Bruce, seceder theological tutor as well as author of The Kirkiad, the clergy of the secession enjoyed as good an education as those of the establishment. Indeed many seceder divinity students attended the theological lectures in the universities.[24] Ignoring the nascent disestablishmentarianism among some of the sects (or considering it a mark of "dissent" rather than "secession"), one leader summed up the sentiments of the movement regarding the kirk and the secession: He proclaimed that "with the exception of patronage, there is not at present an inch of difference betwixt us."[25]

In stressing the lack of difference other than patronage, what the supporters of the patronage society of course had in mind was the similarity of the seceders, not to all churchmen, but to the Evangelicals. It is difficult to believe that the Moderates were regarded as fully belonging to the "us" of the last line of the previous paragraph. "Sound evangelical preaching according to our standards," testified a minister who advocated patronage reform, "is

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[24]Moncreiff Wellwood, Erskine, 469; Robert Gaston Hall, "Archibald Bruce of Whitburn (1746-1816), With Special Reference to His View of Church and State" (Ph.D. thesis, Edinburgh University, 1954), 36-51, 221-222, 263-264; Patronage Report, 266.

[25]Speech of...Hamilton, Strathblane, 7. For disestablishmentarianism or voluntaryism see infra, chapter eleven.

much more common" among the seceders than in the church.[26] Another of like mind thought that those who had seceded were often the "best members" of a parish.[27] The irenic impulse was thus closely linked with the evangelical. Churchmen desirous of patronage reform saw reunion as a way of giving the Evangelical party preponderance in the Church of Scotland. To seceders who hoped for reunion the possibility of a strongly evangelical national church was also appealing.

However, not all of the presbyterians outside the establishment were likely to return to the church even if patronage were reformed. While seceders generally acknowledged that patronage had originally driven them out,[28] some had recently become voluntaries, hostile to the idea of establishment. Those bodies that remained faithful to the establishment principle--M'Crie's Constitutional Presbytery (Auld Licht Anti-Burghers") and the Original Burgher Associate Synod (also "Auld Licht")--constituted only a minority. The growth of the Evangelical revival and the patronage reform movement caused these two sects in particular to hope

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[26]Patronage Report, 284.

[27]Ibid., 253.

[28]William Mackray, On the Causes, Influence, and Prospects of the Secession, in Connection with the Prospects of the Church of Scotland (1833), 11-16; Patronage Report, 158.

for reunion with the kirk.[29] Probably a majority of presbyterians outside the establishment, however, belonged to the United Associate Synod of the Secession Church ("New Lichts"), which had officially embraced the voluntary principle. A number of observers nonetheless predicted that, if patronage were abolished, many clergymen and members of that denomination, perhaps even a majority, would return to the national church.[30] As to the other presbyterian sects, the Synod of Relief continued then to manifest that irenic spirit that had characterized its founder, Thomas Gillespie, leader of the second secession.[31] The Reformed Presbytery comprised the heirs of the Convenanters, but some thought that if patronage were abolished even a portion of that group might unite with the establishment.[32]

While hopes for reunion could not be denied, some leading evangelicals within and without the kirk sounded a note of caution. David Welsh, church historian of Edinburgh

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[29]Mathieson, iv, 61-62, 79, 278-279; Burleigh, Church History, 324; Mackray, Secession, 41-43; Patronage Report, 162. These are the two sects that had been negotiating a union, but without success. The Burgher Auld-Lichts did, however, unite with the Church of Scotland in 1839.

[30]Patronage Report, 119, 158, 163, 256; Mackray, Secession, 39-41; Anon., What Is the Popular Party to Do?, 10-12.

[31]Mathieson, iv, 45-46, 78-79.

[32]Patronage Report, 257.

University, feared that the church had delayed too long in removing the patronage grievance. Had a change occurred in the first or second decade of the century, he thought almost complete reunion would have been possible. By the early 1830's, however, he believed that many were "too far gone ever to return."[33] Some seceder advocates of reunion preferred to think of patronage reform as simply a first step. One of them, M'Crie, stated that while

> the simple abolition of the law of patronage would satisfy many....it would not in itself induce me to enter the Established Church. But...the abolition of it would operate in the most salutary manner, in the first place for the church herself, and secondly, in the way of opening a door....[34]

Moderates not unnaturally reacted negatively to the claim of the patronage society's supporters that the success of their undertaking would bring reunion of kirk and secession. Many Moderates not only lacked enthusiasm for the prospect of an evangelically strengthened establishment, but also disagreed with the predictions of reunion. They had come to accept the presence of sects as a permanent fact and did not regard division as a tragedy. George Cook of St. Andrews, the Moderate leader, declared that "my principle is, that it is impossible to have uniformity of faith." He thought efforts to prevent denominationalism were harmful to

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[33] Ibid., 256; see also 191-192.

[34] Ibid., 158, 370.

the religious welfare of the country. In any case, he argued that "no arrangement that we can make now, would be attended with a return of a great number of the Secession." Even if the church took steps to open the door he did not think the seceders would wish to return.[35] Some Moderates alleged that change in the church would not induce reunion, because most of those outside the establishment were outside it because of lack of physical accommodation within.[36] One Moderate, John Cook, George Cook's nephew and successor as Minister of Laurencekirk, Presbytery of Fordoun advanced an anti-irenic view of the situation. He charged that the seceders supported the abolition of patronage because a more popular choice of pastors would cause dissension and force many of the discontented to swell the ranks of secession.[37]

At least not all Moderates totally rejected any move toward reunion. Sir John Sinclair of Ulbster, Moderate father of the patronage society's vice president, seconded in 1824 a proposal first suggested in 1818 by Sir Henry Moncreiff Wellwood, Minister of St. Cuthbert's and leader of the Evangelical party. Sir Henry's idea was to invite

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[35]Ibid., 328-329, 331; Anon., What Is the Popular Party to Do?, 8-9.

[36]Debate anent Calls 1832, 25-26, 48-49, 85; Patronage Report, 138, 443.

[37]Debate anent Calls 1832, 24.

seceder congregations to join the church as chapels of ease. This scheme did not include any general modification of the mode of pastoral appointment. However, it would have permitted those chapel congregations to continue to elect their own ministers as a few chapel of ease congregations already did. Two Relief chapels (Aberdeen and Dundee, 1791) had already united with the kirk on this basis and another of that sect (Edinburgh) did so in 1833.[38] This offer of what was essentially second class status did not, however, have much appeal to the seceders.

Churchmen and presbyterians of the sects did experience difficulties in maintaining an irenic relationship, even though they were able to cooperate in some ways. Urging a closer connection, one pamphleteer described the situation at its worst in these words:

> The minister of the church, secure behind the ramparts of a national establishment, looks down with indifference or contempt on...the Dissenters.
>
> The Dissenters in their several petty encampments, proud of the little peculiarities of their faith, and hedged about with their covenants, and testimonies, and bonds, frown defiance against the ministers of the church. The different sects of Dissenters also look on each other with a jealous eye, as rivals for the approbation of the multitude.

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[38]Sinclair, Analysis, ii, 47-53; Moncreiff Wellwood, Erskine, 470; Edinburgh Presbytery, xix, 723-726, xx, 1-6, 29-40, 44-45, 49-50; Anon., What Is the Popular Party to Do?, 12.

This pamphleteer specifically proposed that clergymen of church and secession occasionally occupy one another's pulpits. Knowledge of each other, he thought, might bring the groups closer together.[39] Ministerial communion had been prohibited since the turn of the century by both the kirk and some of the sects. This had come as a result of discord created by the "odious" Haldanes and their English friend, Rowland Hill.[40] With the Moderates in control of the establishment and voluntaries dominant after 1830 in much of the secession, restoration of such communion seemed unlikely.[41] Evangelicals within and without the kirk, however, could and often did maintain friendly relations with each other and co-operate in a number of organizations, like the Bible societies.[42]

The patronage society was also an organization within which churchmen and seceders could co-operate. It canvassed and received the support of a number of seceders. The founders announced that the society wanted help from members

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[39]"A Spectator," Thoughts on a More Intimate Connection between the Established Church and Presbyterian Dissenters in a Letter to the Rev. Dr. Burns, Glasgow (1822), 3-16.

[40]Cunningham, Church History, ii, 408-411; Mathieson, iv, 85-86.

[41]Patronage Report, 333.

[42]See for example Ibid., 292 and Scots Magazine, xcv (January 1825), 69-85.

of all denominations. Anyone who paid dues could be a full member. The only restriction was that the ordinary directors, who managed the society, had to be Church of Scotland communicants.[43] At least two of the extraordinary directors, however, came from outside the establishment.[44] A number of other outsiders, including seceder clergymen, actively supported and encouraged the society's endeavors.[45] One seceder, welcoming the organization, remarked that "it possesses peculiar claims to the countenance and support of every friend to Evangelical Christianity."[46]

Among the leading seceder clergymen who befriended the national society were the venerable M'Crie himself and George Paxton. Both were Edinburgh pastors of the Constitutional Presbytery. Thomas M'Crie had won lasting international renown as a Reformation scholar, and in Scotland, largely because of his biographies of John Knox and Andrew Melville, he enjoyed first place among all ecclesiastics outside the establishment. He was an old friend of Andrew Thomson and a regular contributor to the Edinburgh Christian

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[43] ECI, xxiv (February 1825), 137, xxv (May 1826), 353, (November 1826), 772; 3 PAMAA (1828), 3.

[44] ECI, xxv (November 1826), 774; 4 PAMPS, 14-16.

[45] 3 PAMAA (1828), 16-17; 3 PAMPS (1829), 8.

[46] ECI, xxvi (January 1827), 10.

Instructor. By his writings and personal influence M'Crie had contributed much to the general evangelical revival in Scotland.[47] Paxton served the sect as theological professor.[48] Another sympathetic seceder clergyman was Michael Willis, pastor of an Original Burgher Associate Synod chapel at Glasgow. An intelligent and modest cleric, he and M'Crie were the two seceder witnesses before the House of Commons select committee on Scottish church patronage in 1834.[49]

Various of the society's auxiliaries enjoyed the support of seceders and especially of seceder clergymen. Some of the latter showed their friendship by opening their chapels to meetings of the groups, often when parish ministers were hostile.[50] The Aberdeen auxiliary had the active backing of clergymen of all four of the presbyterian sects in the city, including one pastor of the United Associate Synod of the Secession Church, a body officially opposed to

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[47] DNB, xii, 456-458; John M'Kerrow, History of the Secession Church (1839), i, 890-895; Cockburn, Journal, i, 101; National Library of Scotland, Lundie MSS., M'Crie to Thomson, September 1817; Patronage Report, 355.

[48] M'Kerrow, Secession Church, i, 784-786, 918-919; DNB, xv, 547; Edinburgh Almanack 1834, 441; CPR, 15 (February 1833), 10.

[49] Patronage Report, 157, 165, 169; Edinburgh Almanack 1834, 441.

[50] 4 PAMPS (1829), 19; CPR, 7 (December 1830), 3-4; ECI, xxv (October 1826), 757, xxvi (March 1827), 246, (June 1827), 436, xxvii (April 1828), 292.

establishments. A cleric of the Relief Synod served as one of the branch's office-bearers.[51] Other auxiliaries also counted seceders among their members and contributors, and seceder pastors often preached for the society.[52]

One of the most ardent seceder supporters was William Scott, clergyman of the United Associate Synod at Leslie in Fife. He helped found an auxiliary at that place, gave the use of his chapel, spoke for the society, and contributed to its funds. He supported the patronage society because he believed it was "calculated in a high degree, to unite churchmen and dissenters." How representative he was of his disestablishmentarian denomination, however, is a moot point; he was twice convicted of heresy and eventually left the sect with most of his congregation.[53]

A number of the national leaders of the patronage society gave evidence of distinctly irenic outlook. Andrew Thomson himself exhibited this spirit to a great degree. He

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[51] 3 PAMAA (1828), 3; 5 PAMAA (1830), passim; 6 PAMAA (1831), 14-15; CPR, 18 (January 1834), 16-17; Edinburgh Almanack 1834, 432, 435-443; Small, U. P. Church, i, 15-16.

[52] 4 PAMPS (1829), 19; ECI, xxv (October 1826), 757, xxvi (March 1827), 246, (June 1827), 436, xxvii (April 1828), 292; CPR, 7 (December 1830), 3-4, 8 (January 1831), 23, 9 (May 1832), 6; Edinburgh Almanack 1827, 390, 392-394.

[53] ECI, xxv (October 1826), 757, xxvi (March 1827), 246; Small, U. P. Church, 367-369; Edinburgh Almanack 1834, 438.

maintained friendships in many denominations and, to quote his good seceder friend, M'Crie, he "never assumed the airs of a churchman in his intercourse with dissenters" and "co-operated with them in every good work."[54] Thomson's respect for seceders was not only the product of his tolerant spirit, but also of his conviction that, while the patronage grievance existed, it was beneficial that secession increase.[55] As has been remarked, George Sinclair and Henry Grey, two other prominent office-bearers of the society, also strongly felt the irenic impulse. The model evangelical gentleman, Sinclair had many friends beyond the Church of Scotland, including the brothers Haldane, who also knew others of the society. Nor did Sinclair believe that the kirk had any monopoly of Christian truth.[56] An Evangelical minister of marked catholicity, Henry Grey enjoyed the friendship and respect of men of many communions, not least of his native Church of England, where he had a number of

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[54]Robert Chambers, A Biographical Dictionary of Eminent Scotsmen (1835), iv, 345; Craven, "Thomson," 200; ECI, xxx (February 1831), 136 (M'Crie).

[55]ECI, xxiv (January 1825), 53; "Kurioikouphilos," Vox Populi, 11.

[56]ECI, xxiv (January 1825), 47; Alexander Haldane, The Lives of Robert Haldane of Airthrey, and of His Brother, James Alexander Haldane (1853), 583-584, 591-592.

personal connections.[57]

Union with episcopacy was not, however, within the purview of the Evangelicals' irenic prospect, although a few recommended friendlier relations with the Church of England and the Scottish Episcopalians.[58] When, however, an anonymous Ayrshire correspondent wrote to the Edinburgh Christian Instructor proposing that presbyterians and episcopalians in Britain unite under a polity of bishop-in-presbytery, Thomson ridiculed the idea. Unimpressed by the correspondent's suggestion that he and some other Evangelical and Moderate leaders would make good bishops, Thomson scornfully pointed his finger at the Church of England's current Romish tendencies.[59]

As to the Roman Catholics themselves, while Scottish Evangelicals could not have imagined in their wildest moments any possibility of reunion, they did certainly show that their irenic spirit extended to toleration for this

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[57]DNB, viii, 631-632; Anderson, Edinburgh Clergy, 64-69; C. M. Birrell, Thoughts in the Evening of Life (1871), passim; Edinburgh Presbytery, xix, 638-640, 642, 687-690; xx, 23-25; Henry Grey, Christ's Kingdom and Other Discourses (1861), 112-134; Scott, Fasti, i, 112-113.

[58]"A Spectator," Thoughts on a More Intimate Connection between the Established Church and Presbyterian Dissenters in a Letter to the Rev. Dr. Burns, Glasgow (1822), 3-16.

[59]ECI, xxix (December 1830), 791-794.

denomination. Within the Church of Scotland the Moderates opposed the granting of Catholic emancipation. In contrast, the Evangelical leaders in the kirk actively supported the movement. Thomson himself, following the lead of Sir Henry Moncreiff Wellwood, had urged Catholic emancipation for many years. A few members of the patronage society, to be sure, opposed the relief measure, but they seem untypical of the leadership. There is probably little better evidence of that leadership's true irenic spirit than the staunch support given the emancipation cause. The measure passed Parliament in April 1829, reversing an intolerant tradition. The Scottish side of that past is well illustrated by Henry Cockburn's remark that forty years previously "the law had not strength to save the houses and chapels of the Catholics from popular conflagration."[60] Then too, it should be noted that even James Bridges, the society's evangelically-impelled secretary who showed slight evidence of an irenic outlook, did cite Roman Catholic authorities to back some of his anti-patronage arguments.[61]

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[60]Mathieson, iv, 282; Cockburn, Affairs of Scotland, 207-208; Cockburn, Memorial, 458-460 (whence the quotation); Cockburn, Jeffrey, ii, 132; SHR, xiv (1917), 281; National Library of Scotland, Lundie MSS., John Cormack to Lundie, 5 March 1813; John Colquhoun, Sermons, Chiefly on Doctrinal Subjects (1836), p. x; Masson, Two Cities, 225-226; CPR, 15 (February 1833), 6; Woodward, Age of Reform, 77.

[61]4 PAMPS (1829), 10-11.

The irenic motivation for the establishment and aspirations of the patronage society was, to be sure, not unmixed. Some ecumenical purists of the present age would frown, for example, on the argument advanced by some supporters of the patronage movement that in helping to unite Christians it would strengthen religion against the growing infidelity of the new industrial age.[62] Certainly "impure" was the frequent appeal of the patronage society that reunion would restore the effectiveness of the traditional (voluntary) poor relief system.[63]

For the most part, however, since the disestablishmentarian crusade was still largely unfelt in the society's early years,[64] the irenic impulse advanced the cause of patronage reform. The force and feeling of that impulse was perhaps nowhere better expressed than in a speech to the Aberdeen auxiliary in 1828 by Alexander Simpson, Minister of New Machar. He envisioned that desired day when Ecclesia

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[62]CPR, 12 (September 1832), 5. For the recent situation see for example the remarks of Frank Denholm in the St. Giles News (Edinburgh), No. 28 (April 1963), 1. He raises the question of whether some ecumenical enthusiasts are not unsound in "pursuit of the safety-in-numbers policy of the Churches in general alignment...against the envisaged international threat of Communism."

[63]Mathieson, iv, 246-253; [Bridges], Appeal, 20; and supra, chapter three.

[64]See infra, chapter eleven for the society and the voluntary movement.

Scoticana,

> delivered from a bondage which so long debased her spirit, and fettered her energies,...will present herself to the world in more than her primitive glory; and she will once more captivate the affections of those who have been long estranged from her, and dispose them again to acknowledge her as their beloved mother; and she will furnish all her children with the bread of life, and make the mightiest efforts to send it to those who are perishing for want of it; and, in a word, she will emerge from the dark cloud in which she has for a time been enveloped, and become clear and resplendent as the sun, fair and lovely as the moon, and terrible to her enemies, as an army with banners, and under the command of an invincible leader. (Loud and long applause.)[65]

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[65] 3 PAMAA (1828), 10-11.

CHAPTER VIII

THE DEMOCRATIC IMPULSE

While much of the motivation for the church patronage reform movement of 1824-1834 was religious, the democratic impulse was equally important for its origin, program, and impact. From the first the rise of democracy influenced the patronage society.[1]

The democratic spirit that grew throughout the nineteenth century in Scotland had of course roots and causes. Early-nineteenth-century Evangelicals emphasized the tradition of liberty and popular participation they considered the legacy of the Scottish Reformers.[2] This tradition was most deeply embedded in the presbyterian polity of representative church government. The Reverend Sir Henry Moncreiff Wellwood had prayed for George IV at his accession in 1820 with the words, "O Lord, stablish his heart in righteousness, and in the principles of the glorious revolution of sixteen hunder and echty echt."[3] He asserted that those same principles had been basic to the Church of Scotland

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[1]See for example [Bridges], Appeal, 6, 13 and passim.

[2]ECI, xxv (December 1826), 908; Mathieson, iv, 227.

[3]Douglas Young, Edinburgh in the Age of Sir Walter Scott (1965), 71-72.

since the Reformation.[4] This is not the place to seek to strike the correct balance among those factors contributing to the rise of Scottish democracy. However, even if one grants some weight to this sixteenth- and seventeenth-century antecedent, to the suggestion that Scotland was "at all times a forcing-house of Liberal ideas,"[5] it must be acknowledged that the important causes were more immediate. It has become almost a commonplace to ascribe the modern awakening of the democratic spirit to the Industrial and French Revolutions above all else. The expansion of manufacturing and trade after the Forty-five produced a growing number of workers and aroused them to a sense of their situation as a class with little voice in the determination of their destiny. The French Revolution gave many of them, and even some of their bourgeois compatriots, the ideology of democracy.[6]

Class consciousness carried with it class alienation. The gulf between the masses and their masters became marked, largely through Anglicization of the upper classes. The privileged sought to ape their English equivalents by living apart from the common folk, rejecting the Scots vernacular

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[4]Moncreiff Wellwood, Erskine, 471-472, 476.

[5]Panmure Papers, i, 26.

[6]Saunders, Scottish Democracy, 82; SHR, vii (1909), 22, xiii (1916), 270, xiv (1917), 282; Craig, Scottish Literature, 82.

in speech and literature, and in many cases deserting the kirk of their fathers for "English" chapels. This Anglicization made it difficult for many of Scotland's leaders to understand that antipathy toward patronage was part of that Scottish tradition that Moncreiff Wellwood had sought to assert. While Anglicization pushed the upper classes away from the masses, industrialization pushed the latter even farther from the former.[7] That the aristocracy and bourgeoisie enjoyed most of the fruits of economic growth while the multitude of the proletariat were often its victims, seems true at least for the years after 1815.[8]

Before 1815 the Crown harshly repressed manifestations of the radical ideology of democracy. "The constitution, once barely respectable, became sacred."[9] While the era of "Old Toryism" after 1815 continued to enshrine the status quo, a few leaders of Scottish life did, however, acknowledge the historical force of the popular spirit. Thomas M'Crie, wise scholar and leading seceder, thought that

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[7]Craig, Scottish Literature, 19-20, 29-30, 33, 81; [Bridges], Appeal, 19.

[8]R. H. Campbell, Scotland Since 1707: The Rise of an Industrial Society (1965), 177-203; Pryde, New History, ii, 140-149; Gordon Donaldson, ed., R. L. Mackie, A Short History of Scotland (1962), 277-283.

[9]Mathieson, iv, 125.

> none who has taken a cool and comprehensive view of the present state of the public mind can fail to observe, that the popular principle, for good or for evil, is destined to have the ascendency. The part of wisdom is to regulate, not oppose it. There cannot be a greater fatuity than to attempt to prevent its due influence in religious matters and in the Church of Scotland, where the most effectual checks are provided against its abuse.[10]

Even Sir Walter Scott, perhaps the first figure of the age, in life an anti-reform Tory of feudal mien, wrote the first truly proletarian novel--The Heart of Midlothian--and proclaimed in literature the radical ideology.[11]

M'Crie particularly suggested the acceptance of democracy in the ecclesiastical sphere. While the democratic impulse gained expression in politics and education, its manifestation in religion was at least as important.[12] Indeed one can interpret the chief event of nineteenth-century Scottish history, the Disruption, and the patronage movement and church-state conflict that led to it, as a highly important result of the rise of democracy in modern Scotland. In this respect these developments are akin to Parliamentary reform and the Chartist movement in England. One also can discern a similarity between the democratic impulse and the evangelical. Both owed much of their strength

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[10]Patronage Report, Appendix, 156.

[11]The Times Literary Supplement, 6 February 1964, 106.

[12]See for example Saunders, Scottish Democracy, 82.

to the support of the masses, for many of whom evangelical religion and democratic endeavors were important ways through which to achieve needed self-expression.[13]

For many of the people of Scotland the most important public functionary was neither the Member of Parliament nor some local lay official, but the parish minister. It was therefore natural that church patronage reform should become a focal point for democratic aspirations. A nascent democratic impulse had even been a factor in the Edinburgh patronage case of the early 1760's.[14] To numbers of common folk in the early nineteenth century the "influence of a powerful and ungodly aristocracy"[15] was nowhere more apparent than in the "dangerous," "despotic authority" of patronage.[16]

Some of the masses consequently believed that the patronage society provided an excellent channel for their endeavors to increase the rôle of the people in public life. Certainly the national leadership of the society and especially James Bridges, the secretary and leading organizer, welcomed support that came from such motivation. The

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[13]See for example Craig, Scottish Literature, 98.

[14]Edinburgh Patronage Case, especially The Citizen; for the case see supra, chapter one.

[15]ECI, xxv (December 1826), 904; see also 4 PAMPS (1829), 15.

[16]ECI, xxvi (December 1827), 815.

auxiliary societies in particular won the backing of many of the humbler ranks,[17] although of course not all such backers consciously espoused the democratic ideology. The auxiliaries largely consisted of "poor men,"[18] "plain country people,"[19] and "the most intelligent and reflecting portion of our tradesmen."[20] "It is not those who can best afford it that contribute."[21] Nonetheless, in 1831 the national society did receive one of its largest single gifts, £266, from an anonymous family "in the humbler walks of life."[22] The support of the masses, however, proved to be a hindrance as well as a help. The influential were frequently loathe to join enterprises conspicuously supported by their inferiors. Then too, some timid inferiors, even though they may have sympathized with the cause, feared to join a society that lacked the imprimatur of their betters.[23]

Moved by the democratic impulse, therefore, the patronage society adopted the popular choice of clergy as a

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[17] 3 PAMPS (1829), 11; 4 PAMPS (1829), 18; CPR, 9 (May 1832), 15, 12 (September 1832), 9-10.

[18] ECI, xxvi (September 1827), 661.

[19] CPR, 7 (December 1830), 3.

[20] 3 PAMPS (1829), 20.

[21] CPR, 9 (May 1832), 14.

[22] CPR, 10 (June 1832), 4.

[23] 3 PAMPS (1829), 19.

leading part of its program. To begin with it sought to discredit the prevailing system as out of joint with the times. Patronage, said the society's directors, was the last, "revolting," "absurd" remnant of feudalism.[24] Reflecting a Robertsonian view of the middle ages, one auxiliary proclaimed that this feudal anomaly "ought to have hid its head long ago, like the birds of night before the rising sun of intelligence and liberal sentiment."[25] Many of the society's supporters then went on to assert that the right of the people to choose their pastors was "natural" and "inalienable."[26] Although radical, this claim was not new, having been voiced in 1788 by a Glasgow anti-patronage committee.[27] In 1828 the Reverend Dr. James Kidd, the Evangelical leader of Aberdeen and director of the national society, said that

> it is a right naturally inherent in every society to choose its own office-bearers, from the highest to the lowest in society. We might as well say that another nation had right to send officers to manage the affairs of the kingdom of Britain, as to say

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[24] ECI, xxv (December 1826), 897.

[25] Ibid., (October 1826), 757.

[26] Ibid., (November 1826), 765-766, xxvii (June 1828), 378-379, (December 1828), 795-796; CPR, 8 (January 1831), 24; see also 4 PAMPS (1829), 7.

[27] ECI, xxx (January 1831), 46.

that a Patron has a right to present a Minister to a Church of Christ.[28]

In large part as a result of the democratic impulse the patronage society espoused popular choice of clergy as one of its cardinal ideals. While Andrew Thomson, the chief founder, may have had at an earlier time some doubts of the wisdom of the popular principle,[29] the democratic proclivities of the other leaders prevailed. The latter proceeded vigorously to put the case that the people were best able to choose their pastors.

Above all else the proponents of the popular principle asserted that the common communicants of the Church of Scotland were the most qualified in this respect because they were pious. George Sinclair declared that while the folk might not be "deeply read in the lucubrations of Ambrose or Augustine," often a snare in any case, they could judge well whether a preacher proclaimed the Gospel.[30] The Gospel, argued James Bridges, "is level to all

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[28]3 PAMAA (1828), 5. Some moved by the democratic impulse were also concerned with the autocratic way in which ministers chose elders, rather than congregations electing them as true presbyterianism demanded (see for example ECI, xxx (November 1831), 771-772). The Assembly of 1842 restored the rôle of the congregation with an act that had passed under the Barrier Act (Acts of the General Assembly, 1842, 23-24).

[29]Craven, "Thomson," 193-194.

[30]ECI, xxiv (January 1825), 49; see also 3 PAMPS (1829), 4-5.

capacities."[31] Communicants knew their catechisms[32] and could easily detect false doctrine.[33] When they regularly encountered such a situation, numbers of the common people proved their piety by going elsewhere, often long distances, to hear sermon.[34] They further revealed their piety in their reading. Many an humble cottage contained not only the Scriptures but also a small, select theological library.[35] Sinclair shuddered at the thought that he, righteous as he was, might have become patron of most of the livings in Caithness. He asked an audience to "consider whether the patron or the communicating peasant is the best judge of a minister's qualifications,--the patron who slumbers over Blair, or the peasant who feeds upon Boston."[36]

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[31][Bridges], Appeal, 20-21.

[32]Patronage Report, 24.

[33]Kurioikouphilos, Vox Populi, 9.

[34]Patronage Report, 153.

[35]3 PAMPS (1829), 21.

[36]CPR, 15 (February 1833), 4. Hugh Blair (1718-1800), Minister of the second charge of St. Giles, Edinburgh and first Professor of Rhetoric and Belles-lettres in Edinburgh University, was a leading Moderate divine and writer on rhetoric. His sermons made him famous and were among the few things Scottish that Dr. Johnson had the discernment to praise. (Scott, Fasti, i, 68.) Thomas Boston, primus (1677-1732), Minister of Ettrick, Presbytery of Selkirk, was a much-respected, ultra-Calvinistic divine, whose writings, especially Human Nature in its Fourfold Estate, remained highly popular long after his death. His promotion of a seventeenth-century English puritan work, The Marrow of Modern Divinity, occasioned great theological controversy in

Dr. William Hamilton, Minister of Strathblane, Presbytery of Dumbarton, did not contrast the people with patrons who tried to read Moderate sermons. Rather, he compared the common folk to patrons who prized in a clergyman "taste for golfing and fiddling" or for "sorting butterflies, and classifying shells and mosses," some less ecclesiastical Moderate pursuits.[37] In the melodramatic manner of that evangelical era Hamilton further defended the piety of the people by conjuring up their historic rôle in Covenanting times:

> When the banner of Scotland's covenant was pierced and torn, who stood by its riven and broken shaft, lifted up its precious remnants, and clasping them cold and gory to their bleeding bosoms, in our muirs and glens, guarded the sacred deposit...? Were these our men of rank and power, the predecessors of our modern patrons? No: they were our leal-hearted yeomen, our scorned peasants, and despised mechanics. When dukes and earls were cringing to the licentious minion of the papal court, and forging fetters for freemen, it was...[these common folk] who lavished their hearts' blood to maintain our religious liberties and preserve the gospel in its fulness and freeness for which the Son of God laid down his life.[38]

Being pious meant of course being evangelical. In championing the ability of the people to choose their pastors the advocates of patronage reform believed that the

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the second and third decades of the eighteenth century. (DNB, ii, 886-888; Scott, Fasti, ii, 174-175.)

[37] Speech of...Hamilton, Strathblane, 5.

[38] Ibid.

folk were far more likely to select Evangelical ministers than were patrons. Bridges put it succinctly in his original call for the establishment of the society: "The people will elect evangelical men, and that, for this cause, they should have the right."[39] There was a reason why the Evangelicals from the eighteenth century had been dubbed the "popular" party: They sought the attention of the people and the people preferred them.[40] David Welsh, Regius Professor of Ecclesiastical History at Edinburgh, pointed to the fact that in collegiate churches served by both a Moderate and an Evangelical the folk usually liked the latter better.[41] Welsh cited also those few parishes where the people did have the right of choice; invariably they selected Evangelicals.[42] Evangelical appointments were also the rule in the presbyterian sects, where the communicants choose their clergy.[43]

The society was aware, however, that in some areas long devastated by the deadly pestilence of Moderatism the ability of the people to discern the true religion had

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[39][Bridges], Appeal, 25.

[40]Mathieson, iv, 289.

[41]Patronage Report, 253.

[42]Ibid., 247.

[43]Ibid., 284.

disappeared.[44] In a case or two parishioners had preferred a Moderate, but the patron had given them an Evangelical.[45] To provide for such an occasional contingency the society decided that where it obtained a patronage the people initially must choose from among its nominees.[46] In the long run, however, the society believed that popular choice was the best insurance of an Evangelical ministry.[47]

The society defended popular choice not only with the argument that the people generally were pious, but also with the claim that they were intelligent. Proponents of the popular principle pointed particularly to the level of intellectual attainment that the common folk of Scotland had reached by then as the result of the system of parochial education.[48] That system they held, with some justice, to be the best in the world, and it was due of course to the sponsorship of the kirk. This was why the people understood the Gospel and profited from such writers as Thomas Boston. One anti-patronage minister summed up the argument by asserting that it was "dishonourable to the inhabitants of a free

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[44]4 PAMPS (1829), 15-16; Patronage Report, 155-156.

[45]ECI, xxx (March 1831), 171-173.

[46]Supra, chapter five.

[47][Bridges], Appeal, 25-26; ECI, xxiv (January 1825), 42.

[48][Bridges], Appeal, 20-22; 3 PAMPS (1829), 9; ECI, xxx (July 1831), 500-501.

country, and especially in the nineteenth century, with the schoolmaster abroad, and with a march of intellect so gigantic and so triumphant" to sustain the wrong of not permitting communicants to choose their own pastors.[49]

Some advocated popular choice by analogy. Did not the people choose their own physicians, lawyers, and tradesmen? Why then should they not appoint their ministers? After all, they probably knew little about medicine, law and so on, but they had studied religion.[50] Even in the pre-Reform era some analogy with political choice was possible. The people of Edinburgh, for example, had proven they could ably choose police commissioners.[51] Even though Parliamentary franchise were limited, was it not as ridiculous to defend patrons for parochial benefices as to suggest patrons for the seats in the House of Commons?[52]

In any case the proponents of patronage reform, responding to the democratic impulse by urging popular choice in the appointment of ministers, intended only a limited franchise. This was, after all, the era of the rise, not of the triumph, of democracy. Certainly they did not

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[49]CPR, 18 (January 1834), 16.

[50]Speech of...Hamilton, Strathblane, 5; CPR, 8 (January 1831), 23.

[51]Mathieson, iv, 186-187.

[52]Sinclair, Analysis, ii, Appendix, 2.

contemplate extending participation in pastoral selection to all the populace of a parish. To implement its concept of the popular principle, therefore, the society favored giving the right of choice to those male heads of families, who were communicants. This would not be a large electorate. Welsh guessed it might consist of a sixth or less of those connected with the church. In some parts of the Highlands, where sacramental misunderstanding survived and communicant members were few, the number would be quite small.[53]

The male heads of families, the society urged, constituted the most interested, the most respectable, and the best qualified body for judging a prospective parochial incumbent.[54] Even George Cook, the Moderate leader, conceded that "heads of families" were a group recognized in the ecclesiastical law of Scotland and "are considered as the most permanent members of a congregation."[55] M'Crie testified that under the Act of 1690 heads of families had in practice often joined with elders and heritors in choosing ministers.[56] One did not have to look to the past for a

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[53][Bridges], Appeal, 33-34; ECI, xxiv (February 1825), 136, xxvi (June 1827), 434-435; Patronage Report, 25, 156, 251.

[54][Bridges], Appeal, 33-34; ECI, xxiv (February 1825), 136, (December 1825), 834; [M'Crie], Present Crisis, 50-51.

[55]Patronage Report, 349.

[56]Ibid., 362.

positive precedent. As Dr. Robert Burns, one of the ministers of Paisley, pointed out, the Town Council of that place had been giving heads of families the choice of their pastors and it had proved an effective method.[57]

Some Moderates feared that giving the right of selecting ministers to communicant male heads of families would mean that many would seek admission to the Lord's Supper only to gain a vote. Such a devious situation would, they felt, destroy the church's excellent system of moral discipline. "The sessions of Scotland," said Cook, "would lose their power altogether."[58] Lord Moncreiff, the Evangelical judge and prominent lay leader, had originally shared this Moderate fear, but the Evangelical clergy had convinced him that the fear was groundless.[59] The society's reply was that if there were any danger the reaction ought to be to strengthen the basically effective system of discipline so as to ensure the exclusion of the unworthy. Moreover, the society would only grant the right of choice to those heads who had been communicants for a stated period before the occurrence of a vacancy.[60]

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[57] Ibid., 96.

[58] Ibid., 270, 351-352 (Cook); Anon., Question of Church Patronage, 6-7; Debate anent Calls 1832, 47.

[59] Patronage Report, 184, 211.

[60] Ibid., 21, 212, 247, 291, 386.

A few of the society's friends were unhappy with its intention of excluding women from participation in the choice of pastors. One such friend urged that the franchise be extended to the principal female in those families without a male head and to communicant spinsters. He argued that it was "notorious that there are always more females than males, who attend church" and at least twice as many pious women as men.[61] This was, after all, an age that had heard an occasional lone voice attack the inequality of the sexes,[62] and in England at least many ladies of quality actively supported evangelical endeavors.[63] In the political sphere some Edinburgh women voted in the elections of police commissioners.[64] More to the point, female communicants voted in pastoral elections in some of the presbyterian sects[65] and in at least two parishes of the

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[61] ECI, xxiv (April 1825), 234.

[62] See for example H. N. Brailsford, Shelley, Godwin and Their Circle (2nd. edn., 1951), 22-23.

[63] Brown, Fathers of the Victorians, 9 and passim.

[64] Mathieson, iv, 188n. Few if any were aware of the admissibility of women to burgess-ship and guild membership in some of the older burghs (SHR, i, 126). In 1832, however, some people mistakenly thought that some women were to get Parliamentary franchise because the authors of the Scotch Reform Bill used the word "persons" (Mathieson, iv, 224).

[65] Small, U. P. Church, Appendix.

establishment.[66] Then too in 1825 there were some fifteen lady patrons in Scotland holding forty-two and one-half patronages.[67] All this, however, failed to impress the patronage society with the wisdom of female franchise and its leaders rejected the notion.[68] Nonetheless, when the communicants of the one parish the patronage of which the society had been able to purchase (Colinton, Presbytery of Edinburgh) received the gift of that patronage in 1842, the deed specified women as well as men.[69]

The notion of popular choice aroused much opposition not only from Moderates, but also from many Evangelicals, including a number who sought some modification of the patronage system. The opponents of popular choice did not

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[66]At Rutherglen, Presbytery of Glasgow, women who held or leased certain property had the right to vote, under the terms of the former patron's deed of the patronage to some of the people (Debate anent Calls 1832, 86; Patronage Report, 328; Duncan and Johnston, Parochial Law, 526-528). At North Leith, where the "inhabitants" had the right to present, not only women, but older children took part in the choice (Edinburgh Presbytery, xix, 249; ECI, xxvii (December 1828), 798-799.) England had a unique parish where female as well as male rate-payers could vote for the parochial clergyman (Patronage Report, 289).

[67]Supra, chapter two.

[68]CPR, 14 (January 1833), 4.

[69]SRO, Colinton Parish Minute Book, 1831-1907 (CH.2/123/4a), 1 May 1842 (the 1722-1830 (CH.2/123/4) volume will hereafter be cited as Colinton Session, 4 and the 1831-1907 volume as Colinton Session, 4a).

believe that this was a fit way in which to select pastors. They thought that both the process and the results would greatly harm the church.[70] Principal Duncan Macfarlan of Glasgow insisted that a majority vote per se had no validity; the amount of popular support a candidate got was no guarantee of his fitness.[71] Macfarlan's university colleague, Evangelical Stevenson M'Gill, Professor of Divinity, cautioned that just because a head of family was a communicant did not mean he was fit to choose his pastor. "They are babes in Christ" to "be treated with tenderness and affection."[72] Numerous Moderates and Evangelicals echoed M'Gill's estimate. While some folk undoubtedly knew and followed well the teachings of religion, many were utterly ignorant theologically. Often this latter state prevailed in entire parishes. The day had passed, alleged the opponents of popular choice, when every cottage had its much-studied divinity books and a religious peasantry daily read the Scriptures and worshiped God.[73]

Many argued that the circumstances of popular election militated against its being a good method. The people

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[70] Patronage Report, 131-132, 143, 375.

[71] Debate anent Calls 1832, 47.

[72] Patronage Report, 302.

[73] Ibid., 46, 184, 376; Debate anent Calls 1832, 46-47; McFarlan, Popular Election, Patronage, and Calls, 15-16.

had to choose merely from hearing sermon. Often they would be carried away by some demagogic and entertaining pulpit performer, rather than discern the Gospel servant of true pastoral gifts. How could a multitude judge a candidate's character, learning, and personality? Many folk, for example, were mistakenly prejudiced against a minister who used a manuscript in the pulpit, a method even Andrew Thomson himself employed. A novelist of the kailyard school has suggested some of the reasons why a candidate might fail in a popular election:

> He had braw certeeficates frae a' the Embro' professors, an' they said his heid was juist pang [crammed] fu' o' lair [learning]. He did no' that ill i' the pu'pit, either, but the folk werena muckle [much] taen wi' him, a' the mair whan a sough [rumor] got aboot that he was the laird's man. This ane said he had a squeaky vice, an' that ane that he clippit his words; an' An'ra Wabster objeckit to him because he had a gowd ring on his pinkie an' his hair shed [parted] doon the middle.

Parishioners were too subject to wrong motives for choice. Not only popularity or friendship, as for a former assistant perhaps, but also such items as political outlook influenced the folk. Let the people choose and they would all too often discover only after some time that they had made a mistake and would have to suffer it or depart.[74]

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[74] Debate anent Calls 1832, 48, 86; Patronage Report, 49, 184, 287, 425, 441; Anon., Question of Church Patronage, 1820; P. Hay Hunter, James Inwick (the kailyard novel), 19.

A number of those who disliked the idea of a popular franchise charged that a large body of simple people would be easy prey for any unscrupulous individual or small group who might want to gain sway over them. Even restricting the right of choice to communicant male heads of families would not eliminate this objection. Lord Moncreiff rather euphemistically declared that

> the most conscientious men, especially in the various conditions of life in which these communicants may be, are liable to improper influence and interference, and by no means incapable of entering into cabals in the belief even of acting from a sense of duty.[75]

Ordinary folk could easily be led and misled; they simply were not sufficiently sophisticated to function properly in a democratic situation.[76] Popular choice would not end patronage; it would merely replace "my lord" with the "burly shopkeeper" or some other parish politico.[77]

The defenders of patronage, notably Robert Whigham, advocate and frequent member of Assembly, naturally carried this last argument a step further. They believed that only "my lord" was able to decide the proper minister for a parish. Patrons, Whigham held, had the time and means to investigate thoroughly "the character, the fitness, the

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[75] Patronage Report, 211-212.

[76] Ibid., 184-185, 425; Debate anent Calls 1832, 85.

[77] "Minister," Patronage and Calls, 44.

talents, and the qualifications of many of the licentiates of the church."[78] Some even ventured to claim that patrons on the whole were better Christians than the masses and the more capable of judging piety.[79] In a way the Reverend Dr. Patrick McFarlan of Greenock could sympathize with such a view from his personal experience. He had received a presentation to his current benefice from an individual patron whereas the people of the parish had applied for someone else. The folk did acquiesce, however, when they discovered what an outstanding Evangelical had been put over them.[80]

One of the objections most frequently raised to a system of popular choice was that it would warp the character of the clergy. The aspirant would have to groom himself to appeal to the populace. He would have to affect an appearance, countenance, tone, and manner calculated to fit the multitude's image of the proper pastor. He would have to flatter the prejudices of the parishioners and cater to their whims, perhaps to the point of assuring his popularity by seditiously preaching against lairds and government, Crown and constitution. Often he would have to check his natural inclination, disguise his learning, and dissemble his

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[78] Patronage Report, 441; Debate anent Calls 1832, 84-85.

[79] ECI, xxv (December 1826), 898.

[80] Patronage Report, 51.

convictions. Once having won election, the "little artifices and appliances, and accommodations" which had become his stock-in-trade would diminish his self-respect. They also would lose him, in Whigham's words, "that support from the higher classes of society, to which, under other circumstances" he would have been entitled. Beholden to the folk who had elected him, he would have lost that independence so essential to an effective pastor. In time his pose would become apparent even to the people, and they would turn from him.[81] Dr. Samuel Johnson, apprised once by Boswell of the popular principle held by some in the Scottish church, had expressed himself along these lines.[82] Sir John Sinclair believed that history plainly proved that any democratic choice was in its very nature bound to result in an insurmountably objectionable relationship between the elected and the mass of electors.[83] The proponents of the popular principle naturally replied that all these abuses arose in greater degree when an aspirant had to court a patron, to

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[81] Ibid., 132, 141, 184, 352, 375, 424, 439-440; ECI, xxiv (April 1825), 225, (May 1825), 303; Debate anent Calls 1832, 87-88; Sinclair, Analysis, ii, 19; "Minister," Patronage and Calls, 30-32; Anon., Question of Church Patronage, 20-21.

[82] ECI, xxv (March 1826), 160.

[83] Sinclair, Analysis, ii, Appendix, 5.

whom he was ever after obligated.[84]

The opponents of popular choice advanced still other objections. They refuted the proponents' arguments from analogy. Lord Moncreiff rejected the validity of a comparison between ecclesiastical polity and secular politics, pointing out that a minister was not intended to be a representative of his parishioners.[85] Another suggested that it would be as ridiculous for the people to choose their pastors as for pupils to appoint their teachers.[86] Patrick McFarlan questioned the ability of many folk even to select a lawyer or physician, let alone a minister; if the choice of men of the law and medicine were left to "wiser heads," he thought "pettifogging attorneys and quack-doctors would lose their business."[87] The Moderate leader, George Cook, feared that popular election would alienate the upper class ("the most valuable part of your body") from the church and drive them all to Episcopalianism.[88]

For many undoubtedly the overriding objection to popular choice was that the popular principle was an innovation

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[84]See for example Patronage Report, 162 and supra, chapter three.

[85]Patronage Report, 182.

[86]5 PAMAA (1830), 3.

[87]McFarlan, Popular Election, Patronage, and Calls, 13-14.

[88]Patronage Report, 352.

with which the society sought to replace the status quo. Just as the status quo could be defended per se, so this novel proposal could be attacked for its very novelty. Anti-popular experts were adamant in testifying that popular election had never been a part of Scottish ecclesiastical practice.[89] Anti-popular polemicists were imaginative in envisioning the masses worshipping "the idol of universal suffrage and equality" in place of Christianity.[90] They could see the "venerable church falling before the vox populi."[91] Addressing the 1834 House of Commons select committee on Scottish church patronage Lord Moncreiff summed up the argument in this way:

> If a system of popular election is now to be introduced it must be introduced as a system which can be nothing but a speculative experiment, and that in the most important of all the institutions of the country. This alone appears to me to be an insuperable objection to it.[92]

The society's supporters answered these attacks on the society's ideal of choice by communicant male heads of families. A seceder supporter pointed out that the people would often elect a man "possessing a character for learning or piety" even if he did not "come near another in popular

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[89] Ibid., 47, 116.

[90] ECI, xxv (March 1826), 159.

[91] Ibid., xxiv (April 1825), 224.

[92] Patronage Report, 183.

talent and elocution."[93] George Sinclair declared that his father, Sir John, and the other members of his father's school of thought were glaringly inconsistent. On the one hand they often praised the people of Scotland as "a religious, moral, loyal, and well-educated people." On the other hand they denied them "every elective right, with a jealousy as anxious, and a vigilance as unremitting, as if they were of all nations and most irreligious, disloyal, and uninformed."[94] Professor Welsh reminded the opposition that the people could choose only those whom the courts of the church found ecclesiastically qualified.[95] Defenders of patronage of course pointed out that the same restriction applied to those whom patrons could present. And even if the charge that the popular principle was novel were true, why, asked the principle's proponents, could not the constitution be changed to achieve so definite an improvement?[96] Andrew Thomson, the society's leader, when asked by a Moderate, "what! would you have the brutes choose their own shepherd?" is said to have answered: "Yes, better that, than to have the shepherd chosen by one of the brutes, and he

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[93] Ibid., 162.

[94] ECI, xv (December 1826), 902.

[95] Patronage Report, 246-247.

[96] ECI, xxvi (October 1827), 677.

perhaps the greatest brute among them!"[97]

One of the most vociferously voiced charges against the society's plan to give the choice of pastors to communicant male heads of families was that such a system would produce tumults and schism. Popular elections, their opponents alleged, brought out the worst in people. A mass of electors could not possibly approach its task in a cool and dispassionate manner. Any such election would perforce be accompanied by agitation, confusion, intrigue, and strife, both from opposing candidacies and because the situation would bring into the open the underlying tensions within the area.[98] The contention would be encouraged by the existing oversupply of candidates,[99] and the tumult magnified because of the prevalence of cheap newspapers.[100] Robert Whigham claimed that disputed settlements occurred most often where there was popular election, rarely where patronage prevailed.[101] Lord Boyle, the Lord Justice Clerk and prominent

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[97]Jean L. Watson, Life of Andrew Thomson, D.D. (1882), 52.

[98]"Minister," Patronage and Calls, 37; McFarlan, Popular Election, Patronage, and Calls, 12; Patronage Report, 55, 103, 183; Debate anent Calls 1832, 85-86; Sinclair, Analysis, ii, Appendix, 5; ECI, xxvi (February 1827), 111.

[99]Patronage Report, 424.

[100]Sinclair, Analysis, ii, Appendix, 5.

[101]Debate anent Calls 1832, 84-85.

Moderate layman, recalled for the Assembly of 1832 one tragic election. Even although in that case only heritors could vote, there nonetheless resulted enormous agitation in the parish and extended litigation in the courts, carried even to the House of Lords. "What was the melancholy sequel?"

> There arose a most foul and abominable conspiracy against the character of the reverend gentleman who was appointed to the living, involving charges of the most flagitious nature; and the result was, that a solemn trial took place before the High Court of Justiciary, when a person convicted of that conspiracy was sentenced to transportation.[102]

The opponents of popular choice almost seemed to believe that "violence would [result] if the least countenance were given to the people, and that any relaxation in the exercise of patronage would lead to rebellion."[103]

If tumults were the natural accompaniment of popular election, schism was the natural consequence. The Lord Justice Clerk suggested that the losers would frequently be unwilling to accept defeat gracefully. What his Evangelical Court of Session colleague, Moncreiff, called the "rancorous feelings and party spirit carried to excess" would leave a determined minority. Either they would make difficulties for the new minister or, frequently, they would leave the

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[102] Ibid., 37.

[103] ECI, xxv (March 1826), 160.

church to swell the ranks of secession.[104] George Cook believed that the introduction of popular election "would increase secession in a very alarming degree."[105] And while the losers might become difficult or depart, even the victorious majority would be effected for the worse. They would presume an injurious right "of criticism and control over the man whom they have themselves made."[106] The society's opponents were quite convinced that popular election was a mode of choice too pregnant with evils to be chanced.

The society's supporters sought to refute their opponents charge that the proposed measure of popular election would naturally bring such ill effects as violence and secession. Thomas M'Crie accused the opposition of summoning "up from the vasty deep of futurity horrid shapes, 'gorgons and hydras, and chimeras dire,' all issuing from the portentous womb of popular election." The opposition was trying, he wrote, to conjure up this nightmare "as a shade to the deformities and abuses of patronage."[107] M'Crie and his friends admitted that elections would not always be quiet

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[104]Patronage Report, 55, 185-186; "Minister," Patronage and Calls, 41; Anon., Question of Church Patronage, 4-5.

[105]Patronage Report, 352.

[106]Anon., Question of Church Patronage, 4-5.

[107][M'Crie], Present Crisis, 7-8.

affairs, but a little noise simply showed the acute interest of the people in so important a matter.[108] George Sinclair found it far more painful to contemplate "the awful stillness and supine security, which pervade those dreary and ill-fated parishes, where a lukewarm and listless minister presides over lukewarm and listless hearers."[109] For M'Crie too "heat" was "at least a symptom of life." Then from his historian's wisdom, he counseled that "many things wear a formidable appearance at a distance, which when approached lose their awful aspect."[110]

The society of course maintained that the people could conduct themselves calmly in an election. This was particularly true of "the Christian people, the Sacra plebs."[111] In support of this view the society began to publish lists of current election results. The society's Church Patronage Reporter recorded for example that from January to April 1830 there were seven elections in seceder sects. Five of them were unanimous, one "harmonious," and one "62-10." In the Church of Scotland in the same period there was one unanimous chapel of ease election.[112] Such

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[108] ECI, xxv (November 1826), 767; 4 PAMPS (1829), 8.

[109] ECI, xxiv (January 1825), 49.

[110] Patronage Report, 386.

[111] RDPS 1830, 2; Patronage Report, 164-165.

[112] CPR, 5 (May 1830), 9; see also for example CPR, 2 (April 1829), 4 and 3 PAMPS (1829), 6-7.

elections, the society's supporters hoped, "have proved the monstrous exaggeration of the charge" of tumults and schism.[113] They went on to conclude, in the words of the Reverend Marcus Dods, primus, that

> It is perfectly notorious, that where one parish has been disturbed by a contested popular election, the forced induction of an unpopular presentee has embroiled a hundred; and where a contested election has driven one man from the church, patronage has driven ten thousand.[114]

Much of the debate over the society's desire to implement the democratic impulse raged over the interpretation of the experience of the seceders and of the few times and places in which popular choice prevailed in the kirk. Here again is the attempt of a utilitarian age to look at the record, to seek to get the facts to speak for themselves. Neither side, however, saw the facts in the same way. This approach therefore proved as profitless as others in resolving the dispute between the proponents and opponents of popular choice.

The proponents of course maintained that the experience of the seceder sects showed that a democratic method of pastoral selection worked very well.[115] In his pamphlet of 1824 James Bridges proclaimed that "the Secession, and

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[113] ECI, xxvi (December 1827), 815.

[114] CPR, 10 (June 1832), 12; see also [Bridges], Appeal, 23.

[115] 4 PAMPS (1829), 6; Patronage Report, 161.

every similar church, founded on the rock of popular influence, is like a house upon a hill, surrounded with a vivifying atmosphere, the natural element of calvinistic truth."[116] The seceders actually utilized a much wider franchise than the patronage society proposed. In practice all the communicants, and even sometimes also seat holders who were not communicants, elected the congregation's clergyman. They could consider any of their denomination's probationers.[117] These elections, asserted the advocates of the popular principle, almost always proved to be peaceful, and unanimous or harmonious.[118] In those few instances when the congregation were not in unanimity the minority quickly concurred and were often the first to sign the call, as a testimony to their acceptance of the democratic method. Only very rarely were there disgruntled losers who left the denomination.[119] One writer concluded the case for this whole school of thought: "I cannot conceive how any candid man, with the history of the Secession before his eyes, could doubt the

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[116][Bridges], Appeal, 26, 28.

[117]Patronage Report, 160-161, 284, 305, 370; William Mackray, On The Causes, Influence, and Prospects of the Secession, in Connection with the Prospects of the Church of Scotland (1833), 35.

[118]ECI, xxv (November 1826), 767, (December 1826), 910; Patronage Report, 81, 96-97; [M'Crie], Present Crisis, 54-55.

[119]Patronage Report, 165, 370-371.

successful operation of the popular plan."[120]

Opponents of popular choice, however, saw the seceder experience differently and had overriding misgivings about the wisdom of such a system. They said they knew of many contested elections productive of bitter divisions and schisms. All was not the peaceful picture which the society and its friends sought to impress upon the public. The urban congregations of the sects, the membership of which often encompassed folk of more than one economic level, seemed especially prone to prolonged and heated elections.[121] Then too, some asserted that the experience of the seceders showed that popular elections definitely opened the door to a distinctly inferior class of clergy.[122]

The opposing parties were as much divided in their interpretation of the record of the church's past. David Welsh, the Edinburgh ecclesiastical historian, held that popular choice had prevailed in the early centuries of the Christian church and that such democratic selection of clergy had been uniformly quiet and orderly.[123] The Reverend John Sinclair, staunch defender of patronage and Episcopalian

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[120]Mackray, On The Causes...of the Secession...., 35.

[121]Patronage Report, 203-204, 264; ECI, xxv (March 1826), 156.

[122]"Layman," Hints, 8-9; Patronage Report, 146.

[123]Patronage Report, 223.

brother of the society's vice president, thought that the process, where it had existed in the early church, had been tumultuous.[124] James Bridges and other supporters of the society particularly pointed to the history of the church in Scotland from 1690 to the imposition of the Act of Anne. They claimed that popular election had then been the practice and that it had "worked peaceably and well."[125] However, George Cook, the Moderate leader and writer on church history, looking at the same era, saw a period of disputes and prolonged vacancies. Various other students of the ecclesiastical past agreed with his appraisal.[126] Lord Moncreiff disagreed with the contention of Bridges and his friends that the years after 1690, or any other span of time, had ever witnessed popular election. It was, he iterated, an entirely untried mode of choice.[127] The society did not officially claim that popular francise in the past had been as wide as what it then sought. It nonetheless did maintain that "from the earliest dawn of religion in Scotland" the people had enjoyed a right to a share

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[124]Sinclair, Essay on Church Patronage, 34-38.

[125]3 PAMAA (1828), 14; ECI, xxv (November 1826), 766; Patronage Report, 83.

[126]Patronage Report, 322-325; Alexander Lockhart Simpson, Minister of Greyfriars and one of the clerks of General Assembly quoted Adam Smith to this effect (Ibid., 124-125).

[127]Ibid., 183.

in the selection of their pastors.[128] The heart of the society's historical thesis was that the more that popular right prevailed, the better true religion flourished.

In putting their cases for and against a democratic mode of choice both sides often turned to the record of those few parishes where a popular franchise then prevailed. The two interpretations of that recent experience proved to be as opposed to each other as the different understandings of the evidence from the church's earlier history. The society and its supporters believed that the record of popular choice in these parishes indicated that the Christian people had the ability to select proper pastors peacefully.[129]

One of the parishes the society's supporters most frequently mentioned was North Leith. Perhaps the richest benefice in the church, the inhabitants of the parish were its patrons. When a vacancy occurred in 1828 the people met and chose a large committee to seek a nominee. The committee after carefully considering over a dozen candidates, chose a twenty-four year old chapel of ease minister, James Buchanan. A public meeting endorsed the choice. The only inhabitants unhappy with the choice were some fishermen who sought the living for the Minister of Wick, whom they knew from their

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[128] RDPS 1830, 1; ECI, xxvi (June 1827), 429.

[129] See for example 3 PAMAA (1828), 14 and Patronage Report, 30, 96.

work in the Caithness area. However, after their man had been given the opportunity to preach in North Leith, the fishermen also agreed to Buchanan's presentation. Because of some uneasiness over the fact that women and children had signed the presentation, the Presbytery of Edinburgh avoided judging the document. Instead it adopted the irregular procedure of simply moderating in a call limited to Buchanan. The inhabitants gladly signed the call and the presbytery sustained it and admitted the young man. Advocates of the popular principle applauded the people of North Leith for their orderly and prudent conduct and for their sound choice. Its soundness was apparently confirmed by Buchanan's subsequent career, which led him to St. Giles, the High Kirk of Edinburgh, and after the Disruption to Free St. Giles.[130]

Even some opponents of popular election, including Moderate members of the Presbytery of Edinburgh, complimented the people of North Leith. John Inglis, Minister of Greyfriars, Dean of the Chapel Royal, and highly influential Moderate, remarked that had he thought the North Leith case typical he might think well of popular election.[131] Robert Whigham, leading Moderate layman, admitted that North Leith

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[130] ECI, xxvii (November 1828), 767-768, (December 1828), 798-799; Edinburgh Presbytery, xix, 241, 245-247, 249, 252-253; 3 PAMPS (1829), 14-15; Debate anent Calls 1832, 29; Scott, Fasti, i, 69, 157.

[131] 3 PAMPS (1829), 14-15.

had provided an example of the peaceful exercise of a wide franchise. He asserted, however, that this example was a singular exception.[132] One clergyman of the presbytery even cast doubt on the popular character of the North Leith proceedings. He believed that the nominating committee's unanimous recommendation of Buchanan had been engineered behind the scenes by "two or three eminent ministers of Edinburgh."[133] Lord Moncreiff seemed to agree with this theory, adding that Buchanan's exceptionally appealing qualities provided effective insurance against division.[134]

At least one supporter of the popular principle also pointed to the adjacent parish of South Leith. There the elders and members of the incorporations (guilds) joined the magistrates in exercising the patronage of the second charge. The peaceful history of choices for that living, James Bridges asserted, was another proof of the propriety of popular election. In 1832 the electors presented the son of a leading Evangelical merchant of Leith who was also a director of the patronage society.[135]

The opponents of popular choice preferred to emphasize

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[132] Debate anent Calls 1832, 87.

[133] Patronage Report, 137.

[134] Ibid., 183.

[135] 3 PAMAA (1828), 14; Edinburgh Presbytery, xix, 684; Scott, Fasti, i, 164-169.

the complicated case of Rutherglen, Presbytery of Glasgow. There a former patron had given the patronage to the Town Council, elders, heritors, and some tenants and feuars of his estate. When the parish fell vacant in 1826 some 359 individuals, including a few women, asserted the right to vote in the election. A number of candidates presented themselves, but only three achieved a place on the ballot. The election in April 1827 resulted in the electors distributing their votes fairly evenly among the three. The candidate with the most votes withdrew. Of the two remaining, Adam Johnstone, who had received the next highest number of votes, got 115 of the electors to sign a presentation for him. Peter Brown, parish schoolmaster and lowest runner, with 106 votes in the election, got that number of electors to subscribe a presentation for him.

Then began a series of suits in the ecclesiastical, civil, and criminal courts. The Court of Session upheld Johnstone's presentation, but Brown offered Johnstone £800 to abandon his rights, to which Johnstone and the court agreed. The Presbytery of Glasgow refused, however, to proceed on the presentation, wanting more evidence. On appeal by Brown the synod upheld the presbytery. On further appeal the Commission of Assembly in 1832, on motion of Inglis, unanimously dismissed Brown's appeal and ordered the presbytery to try him for simony on account of the monetary transaction with Johnstone. The case passed for two years among

the three levels of ecclesiastical courts and involved other questions of the fitness of various parties, besides the charge of simony. Presbytery and synod found against Brown and also revoked Johnstone's license. The case came to an end on 4 June 1834 when the Assembly's Commission by a vote of twenty-six to twenty-three acquitted Brown and ordered the Presbytery of Glasgow to admit him "with all convenient speed." The Commission did not, however, lift Johnstone's sentence. On 25 September 1834, over seven years after he had been presented, Brown received ordination and admission. While the above proceedings had been pending in the Court of Session and church courts, the High Court of Justiciary, the criminal branch, had become involved in the Rutherglen situation. The criminal misconduct of some minor participants in the election had resulted in their punishment.[136]

Those who attacked the popular principle found ammunition in the Rutherglen case. Although in this instance Lord Moncreiff, one of the judges of the Court of Session, conceded that the delay was no greater than in many cases in which the possession of a patronage was in dispute,[137] most opponents of a democratic choice disagreed. They contended

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[136]ECI, xxvi (July 1827), 555, xxxi (June 1832), 435; Debate anent Calls 1832, 46, 86-87; Patronage Report, 28, 271-272, 428; Acts of Assembly, 1834, 71-72; Scott, Fasti, iii, 488; Duncan and Johnston, Parochial Law, 526-528.

[137]Debate anent Calls 1832, 92.

that the prolonged vacancy resulted from the wide franchise, which was responsible for the complex disputes and lengthy litigation.[138] Alexander Dunlop, advocate, patronage authority, and society supporter, did not deny the basic charge that a popular situation encouraged contention. He argued rather that the fault in this particular case was that the qualification for the electors was entirely civil; voting at Rutherglen was not limited to communicants.[139]

Dunlop similarly answered the accusation that the Canongate case also proved that popular election could not be successful.[140] The Canongate parish was the area east of the Old Town of Edinburgh. It was an area where in the early nineteenth century "malign squalor" had produced "acute urban demoralization."[141] There a large electorate of many heritors and various office-bearers had gift of the second charge. The death of the venerable, Evangelical Walter Buchanan, at the end of 1832, after over forty years of heroic service, left the living vacant. The stormy election campaign that followed resulted in the division of the parish into two camps. One group of electors sought the

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[138] Ibid., 46, 87-87; Patronage Report, 116.

[139] Patronage Report, 28, 31.

[140] Ibid., 30-31, 137; see also 3 PAMPS (1829), 14.

[141] Saunders, Scottish Democracy, 89; see also Ronald Selby Wright, The Kirk in the Canongate (1956), 91-92.

charge for a celebrated clergyman from a distant part of the country. The other group supported the candidacy of John Clark, a local chapel of ease minister. Each side sent in a presentation for its man to the Presbytery of Edinburgh. At the same time litigation began over the conflicting claims of right before the Court of Session. In the face of protracted conflict like Rutherglen, the well-known cleric withdrew his candidacy, whereupon the presbytery upheld the other presentation.[142]

The supporters of popular choice naturally emphasized those instances where the exercise of a wide franchise had resulted in an orderly and sound selection. In addition to parishes where a large electorate possessed the patronage, they pointed to a class of cases where a corporate or individual patron had established a popular election and allowed the result to govern the choice of presentee. At Stirling when the West Church fell vacant in 1825 and 1829 the Town Council, which owned the patronage, gave the choice to the people with entirely harmonious results.[143] In the parish of St. Ninians, just south of Stirling, the right of choice

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[142]Patronage Report, 30, 137, 250, 444; Edinburgh Presbytery, xx, 45-47, 54; Wright, The Kirk in the Canongate, 86-89, 104-106; Scott, Fasti, i, 29, 74.

[143]Sinclair, Analysis, ii, Appendix,3; ECI, xxvi (June 1827), 435; CPR, 8 (January 1831), 17; Scott, Fasti, iv, 326-327.

rested with a small committee of elders, heritors, and heads of families. A successful election among all the heads of families selected the presentee for a vacancy in 1823.[144] At Paisley the Town Council allowed the communicant heads of families to select the ministers for the livings in its gift. The magistrates and elders drew a leet of at least three, but not more than five candidates. The parish heard them preach, and then the Town Council quietly canvassed the heads of families and presented whomever gained the support of the majority. The practice had worked well for some years.[145] In 1829 the Town Council of Aberdeen tried popular election with a unanimous result.[146]

In the late 1820's at least one individual patron also utilized popular election with a happy outcome. When a vacancy occurred at Carnock, Presbytery of Dunfermline, in 1826 David Erskine of Carnock, son of a leading Evangelical divine of the eighteenth century, permitted the heads of families in that parish to choose from his leet of four. Although the vote was thirty to twenty-eight, the winner easily won acceptance from the whole parish. One proponent of the popular principle remarked that the total number of

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[144]Scott, Fasti, iv, 315; Sinclair, Analysis, ii, 38-39 and Appendix, 3; ECI, xxvi (June 1827), 435.

[145]Patronage Report, 96; 6 PAMAA (1831), 6.

[146]CPR, 2 (April 1829), 2.

electors at Carnock had been less than the number of members of the Kirk Session of St. Cuthberts, Edinburgh. He concluded that the cases of election in this class were "most cogent proofs" of the success of the popular mode of pastoral choice.[147]

The debate over popular election involved also three parishes where elders and heritors held the franchise. These were Cadder and the Monklands, the patronages of which the parishes had purchased from Glasgow University under the Act of 1690.[148] The opponents of popular choice charged that Cadder, Presbytery of Glasgow, provided proof of the failure of that mode. Contests over the two most recent vacancies, 1790 and 1814, had resulted in prolonged litigation in the supreme ecclesiastical, civil, and criminal courts. The situation had produced the worst of conduct. This included an attempt by one candidate's servant girl to blackmail him on threat of denouncing him for immorality, which had resulted in her transportation for fourteen years.[149]

In reply to the charges of the society's opponents the Reverend Dr. Robert Burns of Paisley pointed out that

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[147] ECI, xxvi (June 1827), 435-436.

[148] See supra, chapter one.

[149] Debate anent Calls 1832, 46, 86; Sinclair, Analysis, ii, 38; Patronage Report, 428; Scott, Fasti, iii, 374.

local circumstances explained the situation at Cadder and that the Monklands showed the opposite result. Within the parish of Cadder was a large weaving village, Chryston. Chryston had obtained a chapel of ease, but the numerous feuars of that village continued to vote with the heritors and elders of the parish in exercising the patronage of the parish church. In 1790 and 1814 the Chryston weavers wanted to rid themselves of their chapel's incumbents. They were able to dominate the elections and get their unwanted ministers presented and translated to the parish church.[150] Alexander Dunlop claimed that the failure of the system at Cadder, like that at Rutherglen and the Canongate, resulted from a civil franchise, one not limited to communicants.[151] Turning to the populous parishes of Old and New Monkland, Presbytery of Hamilton, Burns asserted that there popular choice worked. Despite the claim of Sir John Sinclair of Ulbster that "family quarrels and heart-burnings took place," Burns maintained that the electors engaged in no litigation and regularly chose "evangelical clergymen and laborious ministers."[152]

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[150] Patronage Report, 101.

[151] Ibid., 31.

[152] Ibid., 101; Sinclair, Analysis, ii, 38; Scott, Fasti, iii, 272, 274-275; Saunders, Scottish Democracy, 105, 396.

The chapel of ease at Chryston may not have provided a good example of successful popular selection. Nonetheless the supporters of a democratic mode of pastoral choice thought that the experience of almost all such chapels did serve their argument. The constitutions of these congregations, each approved by the General Assembly, varied. They ranged from what Andrew Thomson called "strictly republican," giving the choice to delegates or managers, to the "purely democratical," where all the communicants or seat holders elected the minister. The latter method appears to have been more common, but all types of choice were "popular" in some degree.[153] The patronage society and its friends asserted that quiet and concord, unity and harmony marked the vast majority of chapels of ease selections, even where hundreds took part in the voting. They believed that these had shown the accusation of heats and divisions in popular elections to be a "monstrous exaggeration."[154] Even Ulbster, among the various contradictions within his writings, remarked that "the popular principle of chapels of ease...

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[153]3 PAMPS (1829), 15; Patronage Report, 305.

[154]ECI, xxv (November 1826), 767, (December 1826), 910, xxvi (October 1827), 729, (December 1827), 815, xxviii (October 1829), 705; Patronage Report, 81.

infuses health and vigour into the system."[155]

Proponents of democratic choice pointed with particular pride to another Leith case, St. John's Chapel of Ease, South Leith, where male communicants and female heads of families who were seat holders had the right to present. In 1781 they had elected John Colquhoun, a former shepherd and weaver. During his long career at the South Leith chapel he became a popular religious writer, an Aberdeen D.D., and a director of the patronage society. Following his death in 1827 the electors again made an orderly, "beneficial" choice of minister, a process repeated at the next vacancy in 1831.[156]

"With what consistency," asked one of the society's directors, "can popular elections be given to our Chapels of Ease, and at the same time be opposed in other instances?"[157]

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[155]Sinclair, Analysis, ii, 54. I suspect Sir John's contradictions in the Analysis result from the practice of simply publishing some of the opinions of the ministers who contributed to the [Old] Statistical Account, whence comes this redaction, without subjecting the whole to his own point of view. (On the Account see Mitchison, Agricultural Sir John, 120-136.)

[156]ECI, xxvii (February 1828), 114, (December 1828), 798-799; Scott, Fasti, i, 158; DNB, iv, 858; John Colquhoun, Sermons, Chiefly on Doctrinal Subjects (1836), memoir, passim; RSCHS, i, 133n; Edinburgh Presbytery, xix, 210, 213-214, 219-220, 223-225, 229-231, 235, 238-241, xx, 553-554, 571-572.

[157]ECI, xxv (December 1826), 910.

Thomson remarked that ironically a number of these chapels' constitutions had been written under the direction of Dr. Inglis, the anti-popular Moderate leader.[158] Unable to refute the general chapels of ease record, Inglis's lay associate, Whigham, greatly regretted the practice of giving chapels popular constitutions, which, he said, merely whetted the democratic appetite in the parish churches.[159]

The debate over the popular principle involved a few cases outside Scotland. One supporter of the society pointed out that in those churches in northern England that adhered to the Scottish establishment, the communicants had the right of pastoral choice and almost always exercised that right in a spirit of piety, prudence, and harmony.[160] The same could be said of the Presbyterians of Ulster. Whether connected with the Scottish kirk or with the seceders, this dominant religious group in northern Ireland had had an entirely successful experience with democratic selection.[161] On the other hand the 1834 House of Commons select committee on Scottish church patronage heard one witness relate the experience of a possibly unique parish of the Church of

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[158] 3 PAMPS (1829), 15.

[159] Debate anent Calls 1832, 87.

[160] CPR, 4 (October 1829), 4.

[161] Patronage Report, 293-295, 297; see also ibid., 203-204.

England. This was Painswick, Gloucestershire, where the adult inhabitants, including women, had the right to choose the vicar. The witness, a Member of Parliament and resident of the parish, reported that "drunkenness and riot and fighting" marked a recent election, with "every public-house secured for one party or the other." The victorious vicar was subjected both to the hostility of the losers and to the arrogance of his own supporters.[162] Friends of the society, like Alexander Dunlop, had of course already put their case that it was necessary to limit the franchise to communicants. One could not open it to everyone and expect to achieve an orderly election and a proper choice.

Had not the democratic impulse influenced the patronage society to favor granting choice of pastors to communicant male heads of families, the society might well have supported some other alternative to the status quo. Certainly those who approved neither unmodified patronage nor the society's mode of popular choice suggested many such alternative reforms. One correspondent to the Edinburgh Christian Instructor complained that the society could see "no medium betwixt an assent to the system of Patronage, on the one hand, and a concession of what is claimed for the

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[162] Ibid., 287-288.

people, on the other."[163] Another writer to the same journal agreed that there was a tenable position "between the unrestricted power of the patron and the misguided voice of the people." He continued

> I have seen the gross abuse of both...they are equally unconstitutional and absurd. I would as soon desire universal suffrage for members of Parliament, as expect any advantage from entrusting the election of clergymen to the voice of the people....[164]

Then too, some supporters of the society's program, undoubtedly aware that a democratic reform might prove impossible of attainment, were willing to consider alternatives.

One plan with little support was the use of trustees who would be self-perpetuating Evangelicals. Although friendly to the patronage society, Thomas Randall Davidson of Muirhouse, Minister of The Tolbooth, Edinburgh, had arranged for his patronage to be so administered after his death. The society, and Bridges in particular, objected to this method largely on the basis of some English experiences. A number of livings in the southern establishment were in the hands of trustees, but some of these men had fallen from evangelical religion. The system, claimed Bridges, "engenders only the rotten vermin of Arminianism and all heresy." He also thought trustees could easily become the objects of

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[163] ECI, xxvi (February 1827), 101.

[164] ECI, xxv (March 1826), 156.

improper influences. Where trustees might become "only an engine for rivetting false religion on a parish," the Christian people were a guarantee of good choice. That Bridges, in his 1824 pamphlet, attacked trusteeship at length may mean that there was some chance of the nascent patronage society's adopting it.[165]

Many who wanted to reform patronage liked the idea of returning to the Act of 1690, which gave the right of presentation to heritors and elders. The supporters of this proposal included such influential Evangelicals as Patrick McFarlan, Minister of the West Parish of Greenock, John Brown, Minister of Langton, and William Cunningham, Minister of Trinity, Edinburgh.[166] A number of those whose first choice was popular election or some other alternative

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[165][Bridges], Appeal, 25-28; Edinburgh Presbytery, xix, 30 January 1833 & ff; ECI, xxiv (January 1825), 42. Another little-supported suggestion was that a patron be obliged to nominate three candidates from which the parish would choose the presentee. John Erskine of Carnock, Minister of Old Greyfriars, Edinburgh, and leader of the Evangelical party in the late eighteenth century, had employed this method in presenting to the livings of which he was a patron. However, as Cook, the Moderate leader, pointed out, this system resulted in at least one bad failure. Erskine had two candidates to propose, the selection of either of whom would have pleased him greatly. For a third therefore he proposed a thoroughly stupid individual, one on whose rejection he could count. The folk, however, chose the "impossible" candidate. (Patronage Report, 381-382.)

[166]Patronage Report, 147, 286-287; Brown, Letter to Chalmers, 21ff.

indicated a second preference for this method.[167] A return to the mode of 1690 had been the goal of the small patronage reform movement of the 1780's.[168]

In the period of the movement under consideration here, the chief exponent of this view was McFarlan. He argued that heritors and elders "would constitute the best body of electors." The former, he held, were "the best educated and most intelligent part of a parish" and the latter were "the laymen, the most distinguished for religious knowledge, and zeal, and purity of character." He added that the Act of 1690 restricted participation to Protestant heritors and that it guaranteed the rights of the people by requiring a proper call.[169]

Another supporter of the idea argued by analogy to the civil constitution. He contended that real political power lay with the Lords and Commons, not with the "gracious sovereign." Therefore, he continued, power in a parish ought to be exercised not by the patron, who "is like a Grand Turk, or the Autocrat of all the Russias," but by the heritors and elders who represented the two ranks of the

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[167]See for example ECI, xxvii (December 1828), 797; Patronage Report, 249.

[168]Mathieson, iv, 289-290.

[169]Patronage Report, 49, 53; McFarlan, Popular Election, Patronage, and Calls, 21-23.

people.[170] So prominent was the idea of returning to the system of the Revolution settlement that in the winter of 1832-1833 the rumor spread that the Whig Solicitor-General was preparing a bill to restore the Act of 1690.[171]

One of the difficulties in implementing this proposal was the question of who was a heritor. In a "common law" sense the term meant one who owned land, roughly the equivalent of the English freeholder. Parliament, however, for the purpose of certain statutes, had defined the word more closely. Thus for the Education Act of 1803 heritor meant one who owned, within a given parish, land of at least £100 Scots of valued rent upon the cess (land tax) books.[172] Heritors had of course the liability for the teinds, the fabric of church and manse, and other ecclesiastical and parochial obligations.[173] In some parishes there were few heritors, perhaps only one, whereas in others the number might be high. Many heritors could be created simply by

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[170] ECI, xxvi (April 1837), 257.

[171] CPR, 15(January 1833), 22.

[172] Duncan and Johnston, Parochial Law, 510-518; William George Black, A Handbook of the Parochial Ecclesiastical Law of Scotland (2nd. edn., 1891), 24-28; Andrew Dewar Gibb, Students' Glossary of Scottish Legal Terms (1946), 40; Saunders, Scottish Democracy, 378; Patronage Report, 49, 100.

[173] See for example Dunlop, Parochial Law, passim; Duncan and Johnston, Parochial Law, passim; Patronage Report, 154; Stewart, Colinton, 313-315.

dividing a piece of land among a number of small owners. The opponents of the 1690 system, Lord Moncreiff among them, complained that in too many parishes there would be so many heritors as to constitute a situation of popular election. That after all was what had happened in effect at Cadder and in the Canongate.[174] Those who desired to give the choice to heritors and elders could reply that at least in burghs, where the heritors were likely to be most numerous, the law provided that the corporations act in place of the heritors.[175] McFarlan suggested that elsewhere the right of choice could be limited to the wealthier heritors.[176]

Other objections to the proposal were at least as important. Bridges argued for instance that in many parishes there were not only few heritors (or only one), but few and sometimes no elders, so that the heritors could entirely dominate.[177] On the other hand Lord Moncreiff thought that too often the elders would greatly outnumber the heritors.[178] Another objector, a minister himself, feared that elders

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[174] Patronage Report, 28, 147, 186-187; Anon., Question of Church Patronage, 24; Cockburn, Memorials, 38.

[175] ECI, xxvi (February 1827), 104; Duncan and Johnston, Parochial Law, 514-516.

[176] Patronage Report, 147.

[177] [Bridges], Appeal, 33.

[178] Patronage Report, 181-182.

were too likely to be mere pawns of the clergy, because ministers largely chose the sessions.[179] Two other clergymen, Robert Burns of Paisley and David Welsh, church historian of Edinburgh University, questioned the restoration of the mode of 1690 because the term "Protestant" was too vague in qualifying heritors. This, like "Protestant patrons," could include, in Welsh's words, "men of all sentiments and denominations, and men with no religion at all."[180] Burns also objected that many heritors, like patrons, did not reside in the parish and had little interest in its spiritual welfare.[181] Alexander Dunlop attacked the proposal because heritor was a civil, not a Christian designation.[182] George Cook, who of course opposed popular choice, remarked that revival of the Act of 1690 would hardly satisfy popular demands. He implied that as a compromise it would please few.[183]

Some, including Welsh, thought that instead of putting

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[179]"Minister," Patronage and Calls, 45.

[180]Patronage Report, 100, 102, 249-250; see also Little Dunkeld Debate, 88.

[181]Patronage Report, 102.

[182]Ibid., 30-31.

[183]Ibid., 380. At least one proponent of change urged that choice of pastors be given to heritors alone. He thought that this had worked well in the Crown's practice of deferring to the heritors in the exercise of its patronage. Many, if not most, of the objections to the 1690 proposal could of course be used against this idea. (ECI, xxv (March 1826), 157.)

presentation into the hands of heritors and elders, there were good reasons to think that elders alone were the proper people to possess the right. The proponents of this idea cited what they thought had been the intent of the Act of 1649 abolishing patronage. They also pointed to the practice of the Church of Geneva and the Church of Holland. Welsh thought giving patronage to sessions would also improve the quality of the eldership.[184]

Opponents of this particular suggestion concentrated their replies on this matter of quality. They argued that elders were often just common folk, certainly of a lower rank in society than their predecessors of 1649. One opponent suggested that giving sessions the right of appointing ministers might well encourage undesirable types to seek ordination to the eldership for the power of the office. Another echoed the fear that elders could too easily be the mere tools of the clergy. Others thought it unwise to give sessions the choice because often they were so small in number as to be unrepresentative.[185]

Still another suggested alternative to the status quo was that those of a certain property qualification have the right to choose pastors. The newly enlarged political

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[184]Patronage Report, 249-250; ECI, xxvi (February 1827), 102-105, xxvii (September 1828), 584-585.

[185]Patronage Report, 100, 116, 138, 181, 300.

electorate, such as the £10 householders in the towns, were those proposed for this franchise. Although among its proponents were some elders and "gentlemen of intelligence," the idea won but little support.[186] The patronage society and its friends of course again objected to a civil rather than a Christian constituency.[187]

Wishing to restrict choice to a Christian constituency, Welsh found some merit in a plan giving the appointment to a committee of delegates chosen by and from the communicant heads of families. The congregation, as with an effective call, would then be asked to consent to the delegates' selection.[188] Lord Moncreiff objected to this method because "the election of the committee, in the first place, would be attended with all the same troubles as a direct election." Ever fearful of vox populi, his lordship predicted that such committees would "in all probability" be led and governed by "the most turbulent man in the parish."[189]

Stevenson M'Gill, the Evangelical Professor of Divinity at Glasgow, stoutly opposed patronage as it then existed, but did not care for popular choice. He proposed an alternative also utilizing delegates. The important

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[186] Ibid., 119.

[187] Ibid., 25.

[188] Ibid., 250.

[189] Ibid., 211.

difference between his plan and the previous one was his desire for selection by delegates from three groups: heritors, elders, and communicant heads of families. He thought this method, with the delegates uninstructed, would result in the best choice because the group would represent all the important constituent parts of the parish: the landowners, the religious leaders, and the common people. The idea was not entirely novel; it had been somewhat employed during the Reformation period and had been urged in 1769 by Andrew Crosbie, prominent lawyer and Evangelical. M'Gill's proposal won fairly widespread support in his own Presbytery of Glasgow.[190]

Elsewhere, however, this plan met little but opposition. Some thought it would be impossible for the three parties to reach an agreement. Others thought the selection of delegates, especially by the heads of families, would be just another popular election. Lord Moncreiff thought it almost the worst possible method because it was "assuredly altogether speculative," "absolutely without precedent," and "utterly unknown to all experience." Cook remarked that he had "heard it as I hear everything from him [M'Gill], with great respect; but, certainly, I heard it with perfect

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[190]Ibid., 186, 302-303, 311, 313, 359, 373; Reid, Glasgow Divinity Professors, 303.

amazement."[191]

Finally, some opponents of both patronage and popular choice proposed that the right to appoint ministers ought to belong to presbyteries. Many, including some who did not advocate the idea, agreed that had the post-Reformation church not had to accept patronage from the state, it would probably have preferred this mode. They cited, as bearing this out, the jus devolutum, the power of presbyteries to present when patrons failed to do so. Those who actively proposed this system claimed that the right to appoint ministers belonged to presbyteries because in presbyterian polity those courts (as the corporate possessors of episcopé) were the successors of the apostles. In the search for precedents they could point not only to their understanding of the Second Book of Discipline (1578), but also to the practice of the Waldensian Church, "the cradle of the Reformation."[192]

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[191] Patronage Report, 186-187; 312, 381.

[192] Ibid., 470-471; ECI, xxvi (April 1827), 263; Brown, Letter to Chalmers, 9; see also ECI, xxvi (May 1827), 349, xxvii (June 1828), 378. For the episcopé of the presbytery see R. Stuart Louden, The True Face of the Kirk: An Examination of the Ethos and Traditions of the Church of Scotland (1963), especially 39, 131; H. J. Wotherspoon and J. M. Kirkpatrick, A Manual of Church Doctrine according to the Church of Scotland (2nd edn., revised and enlarged by T. F. Torrance and Ronald Selby Wright, 1960), especially 105-107, 124-125; E. L. Mascall, review of the preceding, Church Quarterly Review, January-March 1961, 101-105.

Proponents of all the other modes of ministerial selection, from patronage to popular choice, joined in opposing this proposal to vest appointment in presbyteries. Cook, Moncreiff, and McFarlan all argued that such a system would only produce the worst in ecclesiastical politics. It would deeply and destructively divide every court into hostile camps of Moderates and Evangelicals. Cook, the Moderate leader, thought the mode "the worst species of patronage." He said it was likely to give rise only "to heart-burnings and to a state of feeling among the clergy which would have the most pernicious influence upon ministers." He cited the bad effects when presbyteries had to exercise jus devolutum. Lord Moncreiff pointed also to various remote presbyteries of "very seldom more than two sitting together, where they have to travel great distances by water and sometimes in the winter season." In these especially, but in all presbyteries, he feared "that there would be a great tendency to jobbing." Bridges, quoting Calvin, objected that this presbyterial method violated the rights of the people. The people, not presbyteries, urged another proponent of the popular principle, were the only ones able to judge a candidate's fitness for a particular parish.[193]

In addition to all these various alternatives to

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[193] Patronage Report, 49, 180-181, 258, 380; 4 PAMPS (1829), 12; ECI, xxvi (May 1827), 349-351.

popular choice there was one other proposal for modification of the status quo--the revival of an effective call. This method, transformed into the Veto Act of 1834, was to become the church's response to the movement for patronage reform.

The democratic motive, which to so large an extent impelled the patronage society to make the popular principle a part of its movement, bore a close relationship to the political climate of the times. It is perhaps appropriate at this point, therefore, to examine the posture of these proponents of patronage reform vis-à-vis secular politics. The society stoutly maintained that it had "no political bias or connexion whatever," and that it welcomed to its ranks men of all political persuasions.[194] Yet the plain fact is that the leading members and friends of the organization were Whigs. They were opponents of the Tory ministry that ruled before November 1830 and they warmly welcomed Grey's Whig government that replaced it. Their promotion of patronage reform paralleled their espousal of Parliamentary reform.

The politics of British evangelicals in general is something of a moot point--particularly so with regard to the English evangelicals, who, even when opposed to

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[194][Bridges], Appeal, 19-20; ECI, xxiv (January 1825), 45, (December 1825), 836; 3 PAMAA (1828), 3-4.

Parliamentary reform,[195] certainly took a vital interest in other reforms and were not apolitical.[196] Nor did the Scottish Evangelicals, or for that matter the Scottish clergy in general, remove themselves from politics. To be sure, a few voices called for the total divorce of ministers, and especially Evangelicals, from matters political,[197] but this demand proved no deterrant. While almost all Moderates were Tories, the leaders, at least, of the Evangelical party were Whigs. At any rate this was the case until the 1830's. From the government side, when the Tories held office they supported the Moderates and when the Whigs were in power they tended to favor the Evangelicals.[198]

One can go further and begin to make a case that most Evangelicals of the kirk were Whigs. David Welsh, Regius Professor of Ecclesiastical History in Edinburgh University,

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[195]A. V. Dicey, Lectures on the Relation Between Law & Public Opinion in England during the Nineteenth Century (2nd edn., 1914), 400-401; Ford K. Brown, Fathers of the Victorians: The Age of Wilberforce (1961), 5, 315.

[196]See for example Brown, Fathers, passim on the various reforming activities, and on the political rôle Robert Worthington Smith, review of Standish Meacham, Henry Thornton of Clapham, 1760-1815 (1964) in Journal of Modern History, 39 (1967), 94-95.

[197]Mathieson, iv, 222; "Layman," Hints, 21-25.

[198]Masson, Edinburgh, 172, 192; Mathieson, iv, 105, 112-113; see also supra, chapter two.

testified that church politics and state politics "generally went together." He meant that Moderates were Tories and Evangelicals Whigs.[199] An Edinburgh professor of the next generation, David Masson, occupant of the Regius Chair of Rhetoric and English Literature and Historiographer Royal, looking back on his youth, wrote of the "prevalent Whiggism" of the Evangelicals. It was, he wrote, "but the outcome in a secular direction of a spirit which had long held possession of them in religious matters."[200] In 1831 Henry Cockburn, then Solicitor-General at Edinburgh, wrote to T. F. Kennedy, a prominent Scottish Whig in the House of Commons, that the Evangelical bloc in the General Assembly contained most of "the best friends of Government."[201]

The attacks of the Moderates tend to confirm the Whiggish tendencies of the Evangelicals. Moderates accused their ecclesiastical opponents not only of favoring the party of Grey and Russell, but of frequently going beyond to the radical ideas of Paine and Paris.[202] Although John Inglis and some other leading Moderates strongly supported

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[199] Patronage Report, 258.

[200] Masson, Two Cities, 199-200.

[201] Cockburn, Affairs of Scotland, 328.

[202] ECI, xxiv (April 1825), 225, (May 1825), 303-305, xxv (March 1826), 155; [Bridges], Appeal, 19.

missionary endeavors,[203] at one time some of their party actually

> opposed foreign missions, because in some grotesque way they associated them with political sedition, and they discountenanced Sunday schools and all evangelical efforts, apparently upon the same absurd ground.[204]

Moderates directly attacked the politics of the supporters of the patronage society, charging that they were political as well as ecclesiastical radicals. "Kurioikouphilos," the anonymous author of Vox Populi, that poor attempt at a parody of the society's propaganda, even put a French rallying cry ("allons! courage!") in the mouth of the society. At the same time he had it proclaim for all of life "the great and prime moving principle of this enlightened age--the sovereign voice of the sovereign people."[205]

Although the society officially sought to maintain an apolitical appearance, the evidence of its leaders' affiliation is unmistakable. If not an active worker for the Whig cause, Andrew Thomson certainly favored that party. His first parish, Sprouston, Presbytery of Kelso, had the reputation of a democratically-minded community and may have had some effect on him. He had been since youth a close friend

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[203] Acts of Assembly, 1834, 48-49.

[204] W. G. Scott Moncreiff, reviewing Mathieson, iv in SHR, xiv (April 1917), 281.

[205] [Bridges], Appeal, 19; "Kurioikouphilos," Vox Populi, 19.

of Brougham, who became the Whig Lord Chancellor, and when Thomson died in 1831 the government showed their appreciation of his contributions to the nation by obtaining a royal pension for his widow.[206] Much more active was another clerical leader of the society, Thomson's good friend, Henry Grey. He was a vigorous partisan of the party of reform and as his son-in-law and biographer noted, Grey's endeavors for the Whigs and other liberal causes "had demanded great courage and considerable social sacrifices." Grey's politics descended to his grandson, Augustine Birrell, a member of the Campbell-Bannerman and Asquith cabinets.[207] As much a Whig as Grey or anyone else was that bold leader of the Aberdeen Evangelicals and of the patronage society, the Reverend Dr. James Kidd. The intensity of his affiliation in secular politics paralleled, according to David Masson, "his vehement ecclesiastical Whiggism." Like Sir Henry Moncreiff Wellwood, the national Evangelical leader and also staunch Whig, Kidd too prayed for George IV at his accession; his words were "Grant, O Lord, that he may be a better King

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[206]Craven, "Thomson," 31; National Library of Scotland, Lundie MSS., Thomson to Lundie, 11 February 1809 and 28 January 1810, Brougham to Lundie, 27 December 1820, 8 January 1821, and 15 October 1823; William Anderson, The Popular Scottish Biography (1842), 718-720.

[207]DNB, viii, 631-632; C. M. Birrell, ed., Thoughts in the Evening of Life, 35.

than he has been a Prince Regent!"[208]

The society's important lay leaders were all Whigs also. George Sinclair, Younger of Ulbster, who followed Thomson as the chief figure in the organization, strongly supported the Whig cause in the era of reform and served several terms in the House of Commons.[209] His predecessor as president, James Douglas of Cavers, was so much a Whig as once to have been considered as a possible successor to Jeffrey as Member of Parliament for Edinburgh.[210] James Bridges, the secretary and chief administrator of the society, was a man of strong popular leanings who advocated the cause of the party of reform. The other vice president besides Sinclair, Lord Strathaven, sat as a Whig in the House of Commons.[211] That side of the House was also to claim two of the society's leaders of the 1830's, Alexander Dunlop,

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[208]Masson, Two Cities, 226.

[209]James Grant, Memoirs of Sir George Sinclair, Bart. of Ulbster (1870), 44-49; Cockburn, Affairs of Scotland, 386; [George Sinclair], Busby's Appeal, or The House in an Uproar. A Burlesque, "By Sir Heneage O'Hudibras, Knight of the Patagonian Order of the Giraffe; F.R.S. in Monomstapa; Author of a Transylvanian Translation of Tristram Shandy, and of a Coptic Commentary on the lost books of Livy; L.M.N.O.P.Q. &c. &c. &c." (1812; "Twelve copies Printed"), 11.

[210]Cockburn, Affairs, 508.

[211]Southgate, Whigs, 442.

authority on ecclesiastical law,[212] and Andrew Johnston, Younger of Rennyhill.[213] Another director and like the preceding pair an advocate, M. P. Brown, actually served in the Scottish part of the Whig government of 1830 as an Advocate Depute.[214]

Proponents of patronage reform outside the society seem to have shared its politics. Masson termed David Welsh "an advanced Whig" and suggested that his "Whig sympathies had all along gone heartily with the movement" for patronage reform.[215] Much the same could be said for another notable professorial proponent, Stevenson M'Gill of the Glasgow Divinity Chair. He was an advocate of Whiggism in general and many reform causes in particular, from prisons to health to education. M'Gill received recognition from the new Whig government of the 1830's with the first royal chaplainry and the first deanery of the Chapel Royal to fall vacant during their régime.[216]

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[212]Mathieson, iv, 328, 330; Sir Francis J. Grant, The Faculty of Advocates in Scotland, 1532-1943 (1944), 64; Disruption Worthies, ii, 238.

[213]CPR, 13 (October 1832), 1, 3; Grant, Advocates, 112.

[214]Grant, Advocates, 22.

[215]Masson, Two Cities, 100, 105.

[216]Reid, Glasgow Divinity Professors, 303-304; Scott, Fasti, vii, 401-402; supra, chapter two.

The most prominent Evangelical not in sympathy with the patronage society was, interestingly, a Tory. This was Thomas Chalmers, from 1828 Professor of Divinity at Edinburgh. Solidly opposed to Parliamentary reform, Chalmers did somewhat deviate from typical Toryism, however, in his support of free trade and Catholic emancipation. Politically as well as in other ways Chalmers' position appears to have pointed the way of the future for the Evangelicals. Those who sought patronage reform were Whigs and in the late 1820's and early 1830's Scottish Evangelicals generally tended toward Whiggism. However, from the second half of that latter decade most of the church party that Chalmers was then leading followed him into the Tory ranks.[217]

This development widened the gap between evangelicals inside and outside the kirk. Presbyterians of the sects continued their traditional support of liberal politics, which had led them to espouse not only the Whig cause, but often political radicalism.[218] Here, in this tradition of those who divided from the church over the grievance of patronage, is perhaps yet another indication of a connection between reform movements in church and state, parallel

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[217]Mathieson, iv, 265-266, 283, 305, 328-329; Masson, Two Cities, 84-85.

[218]Mathieson, iv, 59-61, 281-282; SHR, xiv (April 1917), 281; see also Saunders, Scottish Democracy, 127.

responses to the democratic impulse.

After all, the case could be made that in Scotland the demos, the people, were the church. Alexander Dunlop pointed out to the 1834 House of Commons select committee on Scottish church patronage that, whereas in England the hierarchy could be taken to be the church, traditionally it was the Christian congregations who constituted Ecclesia Scoticana.[219] One may give considerable credence to the typical claim of a writer of 1826 that nothing more greatly concerned those people "than the selection of their spiritual guides."[220] It is possible then to appreciate the importance of the movement for patronage reform within the context of the age of nascent democracy.

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[219] Patronage Report, 21, 30.

[220] ECI, xxv (November 1826), 765.

CHAPTER IX

THE SOCIETY UNDER WEIGH

Once launched, the movement for patronage reform enjoyed some initial success, but the society largely failed in its plan to purchase patronages. The supporters of reform won a minor victory in the General Assembly of 1825 and the society pushed ahead, establishing anxiliaries, publishing propaganda, holding meetings, and attempting to raise funds. Financial contributions, however, were meagre, and the first patronage purchased--Colinton, Presbytery of Edinburgh, in 1825--also proved to be the last.

Initially, however, the organization seemed optimistic. In December 1826, a year after the society's establishment, the directors announced their pleasure that the movement was producing results in two ways. On the one hand public sympathy for reform was growing, and on the other hand patrons were taking greater care over the quality of their presentees.[1] A year later the directors published another optimistic report of progress, noting particularly the organization of auxiliary societies.[2]

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[1] ECI, xxiv (December 1825), 835.

[2] ECI, xxv (December 1826), 896, 901.

One mark of the society's impact was that Sir John Sinclair of Ulbster, in writing his Analysis of the [Old] Statistical Account, which he presented to the General Assembly and the public in 1826, devoted a number of pages to both sides of the patronage question. Of the society he generously wrote that it

> has already been of service, by the discussions it has occasioned; for already a greater proportion of acceptable appointments of ministers has taken place in Scotland, since this society was established, than in any similar period within the memory of man.[3]

With Sir John one wonders of course whether these were really his own sentiments, or whether he simply incorporated into the work the thought or even the words of his son, George Sinclair, the Younger of Ulbster, a leader of the society.

Exactly five months after the founding meeting of the society, the advocates of patronage reform in particular and the Evangelical party in general won a minor victory over patronage in the General Assembly.[4] The Little Dunkeld case began on 18 August 1824 when the Crown presented to that parish in the Presbytery of Dunkeld (Perthshire) one Thomas Nelson.[5] The presentee, a man of forty-four, had been a licentiate without a charge for over thirteen years. He was,

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[3]Sinclair, Analysis, ii, Appendix, 1-6.

[4]See for example Patronage Report, 50.

[5]Scotch Church Records, i, 175.

however, something of a writer, having published recently an Historical Account of the Visit of George IV to Edinburgh in 1822--a work which may have won His Majesty's favor.[6] On 26 October 1824 the presbytery received the royal presentation and Nelson's acceptance. It also received a letter from 440 parishioners (out of a total population of about 3,000) praying that the presbytery refuse to settle Nelson as their minister because he could not speak Gaelic. A majority of the presbytery found that Gaelic was a necessary qualification for that parish and that Nelson had not the Highland tongue, and the court refused to proceed. The Crown Agent notified the presbytery that he would appeal to the synod.[7]

The Synod of Perth and Stirling heard the case on 19 April 1825. Although the Crown made no appearance, Francis Jeffrey, the eloquent advocate and literary critic, who had a great liking for ecclesiastical practice,[8] represented Nelson. The synod also heard members of the presbytery majority and minority. The provincial court confirmed the judgement against Nelson and ordered the presbytery to accept no presentee unable "to preach and hold ministerial intercourse with the native Highlanders in the Gaelic

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[6]Scott, Fasti, iv, 142.

[7]Little Dunkeld Debate, 1-2.

[8]Cockburn, Jeffrey, 173, 176.

language, agreeably to the immemorial practice."[9]

Nelson appealed to the Assembly, and the high court, gathered in its aisle in St. Giles, Edinburgh, heard the case on Tuesday, 24 May 1825. First the opposing parties appeared at the bar of the house. Patrick ("Peter") Robertson, Edinburgh wit and able advocate with much experience in the church courts,[10] spoke first for the appellant. He contended that it was not "immemorial" custom for Little Dunkeld to have a Gaelic-speaking minister and that it was just stubbornness that made some parishioners prefer Gaelic when they could understand English. He pointed out that in any case those who preferred Gaelic could hear sermon from a Gaelic missionary in the Highland part of the parish. Robertson concluded that it was "essential for the protection of the rights of the patron and presentee" that Nelson be inducted into Little Dunkeld.[11] Another prominent advocate who also enjoyed ecclesiastical practice, Henry Cockburn, appeared for the Presbytery of Dunkeld and the parishioners of Little Dunkeld. With his usual forensic ability Cockburn reasoned that Gaelic was essential for the ministry in Little Dunkeld, that Nelson had no Gaelic, and that therefore

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[9]Little Dunkeld Debate, 2-3.

[10]DNB, xvi, 1303-1304; Francis Watt, The Book of Edinburgh Anecdote (1913), 57, 162, 165, 281.

[11]Little Dunkeld Debate, 6-10.

the presbytery had acted quite properly in refusing him.[12] A member of the presbytery majority added that, although no specific law might require that a pastor speak the same language as his parishioners, "there are nevertheless repeated decisions of the supreme courts, refusing induction on this sole ground." The clergyman admitted that some of the Highlanders in question did understand some English. Yet, he argued, they conversed, thought, felt, and offered prayer and praise to God in Gaelic.[13] In rebuttal Jeffrey declared that only a minute few of the Highlanders of Little Dunkeld were not bilingual.[14]

Having heard and dismissed the parties at the bar, the members of the Assembly began to debate the case. With George Cook serving as Moderator and John Inglis not in the house, it fell to the Reverend Dr. Francis Nicoll, Principal of the United College of St. Leonard and St. Salvator, St. Andrews, to lead the Moderate side. He moved that the Assembly sustain Nelson's presentation as a first step, then appoint a committee of inquiry to determine whether Gaelic were necessary for the Minister of Little Dunkeld, ordering the committee to report to the Commission of Assembly meeting in August. The latter would be empowered to decide the

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[12] Ibid., 15-20.

[13] Ibid., 20-38.

[14] Ibid., 38-40.

case.[15] This delaying tactic revealed Principal Nicoll's awareness of his side's weakness, which, unknown to the Assembly, the Moderate leadership hoped to overcome by immediately convening the committee of inquiry. The plan was to hear witnesses, already brought from the parish, prepared to testify against the need for Gaelic, and then speedily write a report favorable to the presentee's case.[16]

Various speakers from both sides of the house took part in the debate. None, however, had so important an effect as Andrew Thomson, whose leonine oration marked his début as the undoubted successor to Sir Henry Moncreiff Wellwood as leader of the Evangelical party. Coming into the 1825 Assembly by the regular rotation among the clergy of the Presbytery of Edinburgh,[17] Thomson easily outshone the rest of the members. He also surpassed in impact that brilliant trio of Jeffrey, Cockburn, and Robertson at the bar, for he had excelled them in his preparation. He cited as precedents a number of cases in which the courts had refused presentations to Highland parishes because the presentees lacked Gaelic. He then pointed to an Act of Assembly of 1717 that required presbyteries, as a first step in trying presentations to Highland livings, to examine presentees

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[15] Ibid., 44.

[16] ECI, xxiv (August 1825), 564.

[17] Edinburgh Presbytery, xix, 119.

"upon their knowledge in the Irish language." He forced John Hope, the Moderate Solicitor-General, to admit that the Crown was not appearing on Nelson's behalf in the Assembly, and then cowed Hope into abstaining from the vote because the Crown had been involved in the earliest stage of the case. Finally, Thomson denounced the Moderate motion as an attempt to uphold patrons and their presentations at any price: "The motion carries this tendency in its bosom, and wears it in its very aspect."[18]

Concluding one of the most powerful speeches in the history of the General Assembly,[19] Thomson countered with his motion that of Principal Nicoll. He moved that the Assembly declare that a Gaelic-speaking minister always had been and still was necessary for Little Dunkeld, and that the presbytery be instructed to proceed no further with Nelson's presentation. The presbytery should, rather, inform the Crown that it had six months in which to present a qualified presentee. Thomas Chalmers, then Professor of Moral Philosophy at St. Andrews, seconded Thomson's motion,

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[18] Little Dunkeld Debate, 3-6, 51-73.

[19] Scots Magazine, xcv (June 1825), 760; Hanna, Chalmers, iii, 78 ("Rarely, either in the Senate or at the Bar, has a higher display of argument and eloquence been witnessed than that exhibited by Dr. Thomson on this occasion.")

but spoke little and did not bother to vote.[20]

Thomson's motion carried without Chalmers' vote, although only by 107 to 99. Among prominent Evangelical clergymen voting with the leader were such proponents of patronage reform as Henry Grey of Edinburgh, John Brown of Langton, Robert Lundie of Kelso (like Grey, Thomson's close friend), Henry Duncan of Ruthwell, Robert Burns of Paisley, James Begg of New Monkland, and Patrick McFarlan, then of Glasgow. Among the lay commissioners supporting Thomson's motion were six office-bearers of the patronage society, including George Sinclair and James Bridges. The Moderate ranks included such foes of patronage reform as the Reverend Principal Duncan Macfarlan of Glasgow University and Robert Whigham, the advocate.[21]

Tired and embarrassed by the Little Dunkeld case, the Crown did not solve its problems immediately. Constructing for itself the fiction that Thomas Nelson had resigned from the living of Little Dunkeld, it presented to that parish Robert Allan, the assistant and successor at Muckhart, Presbytery of Kinross. The Crown then sought, after some hesitation, to present Nelson to the latter post. Well might

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[20] Little Dunkeld Debate, 73, 91. (The conduct of Chalmers in the entire Assembly of 1825 seems to have been rather peculiar; see for example Mathieson, iv, 271-272 as well as Hanna, Chalmers, iii, 72-75.)

[21] Little Dunkeld Debate, 89-91.

the Crown have hesitated, for that parish also objected, and the king's officers dropped the attempt. Finally the next monarch, William, was able in 1830 to present Nelson as assistant and successor to Auchtergaven, also in the Presbytery of Dunkeld. After some opposition there the presbytery ordained and installed him.[22]

The defeat of Crown and Moderates constituted a victory for the patronage reformers. Chalmers, for his part, rejoiced that the Evangelical party "did gloriously on Tuesday with the Dunkeld cause."[23] Thomson and the patronage society, however, claimed the triumph for their movement in particular as well as for Evangelicalism in general. Having defeated "the staunch dreadnought band" on the other side of the house, Thomson hoped that the Assembly's decision would convince patrons that there was "an independent spirit yet existing in the church," which would not tolerate an absolute patronage in violation of the rights of the church.[24] The decision was to be used later to support the kirk's claim to be able to legislate on patronage and calls.[25] In 1825 friends of patronage reform hailed the outcome of the

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[22]Scotch Church Records, i, 193-194; Patronage Report, 434; Scott, Fasti, iv, 142, 159, v, 69.

[23]Hanna, Chalmers, iii, 75.

[24]ECI, xxiv (August 1825), 553-556.

[25]See for example Debate anent Calls, 1832, 53.

Little Dunkeld case as an initial step in the right direction. One wrote:

> King, duke, and ministry, servile churchmen, and court parasites,--all suffered defeat from the poor people of Dunkeld, breechless and unlettered as they were. Be assured that this event is the commencement of a new era....[26]

Perhaps an early battle had been won, but the war remained.

If the patronage reform cause had gained a victory in the Assembly in 1825, however, in the two years or so following, it suffered something of a defeat over the question of who should have the right to appoint the ministers of the special Parliamentary churches in the Highlands and Islands. Between 1827 and 1830 the government established over forty of these supplementary, non-parochial churches. The Presbytery of Paisley pointed out to the Crown that the government was simply building the churches, not endowing them, and therefore ought not to claim the patronage. The congregations had the obligation of maintaining the buildings and the friends of reform claimed that they should have the right of choice.[27] The Crown, however, retained these appointments for itself, but deferred to the choice of the landowners who had given the sites for the churches.[28]

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[26] ECI, xxiv (September 1825), 584.

[27] ECI, xxiv (November 1825), 739; xxv (January 1826), 75-77; see also Caithness Presbytery, 176.

[28] See supra, chapter two.

The patronage society experienced the greatest failure of its early years when it sought to implement its plan to purchase patronages. James Bridges, the society's secretary, had put the idea before the public in his Appeal for the establishment of the organization. The very name of the group--the Society for Improving the System of Church Patronage in Scotland, by Purchasing Up Rights of Patronage, and Settling Them on the Heads of Families in Communion with the Church--continued to announce the program. Because in the mid-1820's reformers despaired of getting the Act of Anne repealed, the society then planned no appeal to either Parliament or the General Assembly. It believed that it could raise funds sufficient to purchase those few patronages that came into the market, and in that way substantially contribute to the reform of the system.[29]

The society's outlook in inaugurating this scheme was optimistic. The founders hoped that the people of the parishes where the society could purchase the patronages would contribute to reimbursing the organization. However, even if the society had to bear the entire cost of many of these purchases, the founders hoped that its funds would be equal to the undertaking.[30] Bridges further suggested that the

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[29][Bridges], Appeal, 36-38; Patronage Report, 28; ECI, xxiv (February 1825), 120-121, (December 1825), 834-835, xxv (November 1826), 771.

[30]ECI, xxiv (December 1825), 834-835.

folk of some parishes would want to save toward the day when the patronages of their parishes would be for sale. He proposed that those people place such funds with the society to invest until needed.[31] Andrew Thomson announced that the society wanted to buy all patronages, even those in the hands of good patrons. "Good men," he said, "are not immortal, and they may be succeeded by others who would abuse the trust."[32] George Sinclair depicted the purchase plan as the means to secure the permanent Christian liberty of Scotland. To great cheers he concluded a speech in favor of the scheme with these words:

> May a future, and not distant, generation be enabled to say not..."With a great sum purchased I this freedom,"--but with the Apostle Paul, "I was born free"--(great applause)--"Free from that yoke of patronage, which neither we nor our fathers were able to bear," (continued applause.)[33]

Alas for these high hopes! Not one of them ever came to be realized, unless one considers Sinclair's vision fulfilled by the state's repeal of patronage in 1874.

The purchase plan's lack of success derived in large

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[31] [Bridges], Appeal, 36-38.

[32] ECI, xxv (December 1826), 912. Bridges had also suggested that, ancillary to the society's efforts, a few patrons might come to deed their patronages to trustees obliged to present the choice of the heads of families. He hoped the success of the society's own plan would persuade the small band of truly Christian patrons to take some action of this sort. ([Bridges], Appeal, 32-34.)

[33] 3 PAMPS (1829), 5.

part from misgivings which the scheme aroused. The plan discouraged many who might have supported some other method for patronage reform from backing the society. Many who disliked unreformed patronage withheld support because they disagreed with the organization's democratic desire to give the choice of ministers to male heads of families.[34] Others objected to the way in which the society proposed to acquire patronages. Some thought the group ought to buy patronages, but secretly, since to do so publicly would actually tend to strengthen the institution. Bridges replied that secrecy was impossible, clandestine efforts improper, and private fund raising insufficient.[35] Some refused their support because they felt that the very idea of buying a spiritual right was degrading and contrary to Scripture. The society, they asserted, was being inconsistent, since to seek to purchase patronages was to sanction their classification as mere property. Indeed, it drove up the immoral secular value of a sacred right. The society replied that patronage involved civil matters such as stipend, manse, and glebe. It also pointed out that by purchasing patronages it was in effect removing them from the secular market place.[36]

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[34] Supra, chapter eight.

[35] [Bridges], Appeal, 27-29.

[36] ECI, xxv (March 1826), 154, xxvi (June 1827), 428-429, xxvii (April 1828), 294; 3 PAMPS (1829), 6, 19.

The patronage society could have defended its purchase plan, at least to fellow Evangelicals, by reference to the English situation. In the southern kingdom some evangelicals, such as William Wilberforce and the Thorntons, had purchased a number of advowsons or next presentations to advance their type of Christianity within the establishment. They either administered them themselves or appointed perpetual trustees. They had no interest, however, in the "rights" of any parishioners, merely in their souls, which they sought to save by the appointment of evangelical clergy.[37] The democratic side of evangelicalism seems to have been purely Scottish.

Some opponents of the society's purchase plan, reported the Scots Magazine, derided "it as chimerical and impractical," largely because they thought almost no patrons would ever be likely to sell their rights.[38] As it so happened, during the organization's first year, 1825, no patronage did come into the market.[39] Most years, however, there were far more patronages for sale than the society could even contemplate buying. During 1826 patrons offered to sell ten livings. The society considered three of them,

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[37]Ford K. Brown, Fathers of the Victorians (1961), 2, 71, 79-81, 92-93, 96, 116, 165, 188, 277, 476-481.

[38]Scots Magazine, xcv (April 1825), 439-440; ECI, xxiv (February 1825), 136.

[39]ECI, xxiv (December 1825), 836.

two of which it lost to the higher bid of a wealthy landowner. The third it bought--its only acquisition in the ten years of its existence.[40] Prices in this period appear to have ranged up to just over two thousand pounds.[41] Some friends of patronage reform thought the costs of the plan too high. The society replied, however, that, considering the long run, purchase was "by far the cheapest mode of supplying the spiritual wants of our parishes."[42] Not quite so many patronages appeared in the market in years subsequent to 1826,[43] but the number made little difference to the society because it could afford to purchase none of them.

The founders had mentioned at the society's establishment, perhaps from fear of this very lack of success, that the purchase of only a few patronages, or even just one, would still accomplish great good.[44] One speaker at the first annual meeting had said:

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[40] ECI, xxv (November 1826), 771-772, (December 1826), 899; Edinburgh Almanack 1826, 368, 373; Edinburgh Almanack 1827, 369, 374, 376, 379.

[41] SHR, xix (January 1922), 141; University Report 1831, 20, 112; see also Mathieson, iv, 208n, 223.

[42] ECI, xxv (November 1826), 773-774.

[43] See for example ECI, xxvii (June 1828), 441; Edinburgh Almanack 1828, 381-382, 395; Edinburgh Almanack 1829, 391-392, 409; Edinburgh Almanack 1830, 399-400, 416.

[44] [Bridges], Appeal, 36-38; ECI, xxiv (January 1825), 42.

> The purchase of one patronage, if no more were got, would, in addition to the direct benefit conferred on the single parish, do a service to numberless others, by the spirit which it would stir up in other quarters, and the call which it would create on other patrons to act wisely in the disposal of them. And above all, the very existence of the Society, and the discussion to which it leads, will sway the public mind generally; which, if wisely directed, is, in every case, irresistible.
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> This may be regarded as the indirect object of the Society; and...not the least important of the two....[45]

The single patronage that the society was able to purchase was that of Colinton, Presbytery of Edinburgh. Now a part of the city itself, the parish was in past ages a rural community just south-west of the capital. With a population of about 2,100 in 1826, Colinton was then a rather ordinary country parish. Because it was something of a typical parish, if any could be called that, Colinton provided an appropriate choice for the society's scheme.[46]

Colinton was also appropriate for the implementation of the purchase plan in so far as its history reflected something of the vicissitudes of the institution of patronage.[47] At vacancies in 1733, 1746, and 1753, the

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[45] ECI, xxiv (December 1825), 835.

[46] Robert Chambers and William Chambers, The Gazeteer of Scotland (1832), i, 156; David Shankie, The Parish of Colinton from An Early Period to the Present Day (1902), 9.

[47] Ethelred, Earl of Fife and son of Malcolm III and St. Margaret, had founded the church and parish of Hailes, as Colinton was then called, about 1095. He then gave the lands of Hailes, including the parish and its patronage, to the Benedictine Priory of Dunfermline, Fife, a house that

sixth and seventh Earls of Lauderdale, who owned the gift of the living, had consulted the parishioners before presenting to Colinton. In 1783, however, the seventh earl chose his presentee without reference to the will of the people and thereby caused an uproar and secession. He presented John Walker, Minister of Moffat, Presbytery of Lochmaben, and Professor of Natural History in Edinburgh University. The Presbytery of Lochmaben had been opposing Walker's plurality because Moffat was quite distant from Edinburgh; Lauderdale's gift of Colinton solved the great geologist's dilemma. The

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his mother had founded about 1074. The Benedictines retained the lands until the Reformation era, when all church lands fell to the Crown. James VI gave the lands of Hailes to his secretary, Sir John Maitland of Thirlstane, whose son became the first Earl of Lauderdale. The patronage, however, had become separated from the lands. In the early thirteenth century Malvoisin, Archbishop of St. Andrews and Chancellor of Scotland, had confiscated the patronage from Dunfermline Abbey and awarded it to the Preceptory of the Knights Templar of St. Anthony at Leith. Malvoisin is said to have done this because the monks of Dunfermline did not provide him enough wine when he paid them a visit, although actually the archbishop's own servants had consumed the refreshment intended for His Grace. The patronage of Hailes or Colinton remained with the Preceptory of St. Anthony until the Reformation. Then it too fell to the Crown, which exercised the right as late as 1635. In the Restoration period and after the resumption of patronage following the Act of Anne, the Earls of Lauderdale, however, won recognition as the proper patrons of the parish. They retained the right until the eighth earl's sale of it to the patronage society in 1826. (Steuart, Colinton, 274-276, 317, 320; Murray, Colinton, 58-59; Scott, Fasti, i, 2-4, v, 25; Stewart Cruden, Scottish Abbeys: An Introduction to the Mediaeval Abbeys and Priories of Scotland (1960), 54; DNB, xii, 893-894; "List of the Churches in Scotland and their Several Patrons [during the Restoration period]," Laing MSS., University of Edinburgh Library.)

parishioners objected mostly because they had had no voice in the selection. A mob almost prevented this prim and precise Moderate cleric from preaching his first service and a number of families departed the church at what they considered an outrage on their rights.[48]

The next two presentations appear to have been peaceful. James, eighth Earl of Lauderdale, gave the living in 1804 to John Fleming, a man of learning and former factor to the Earl of Rosebery. A Moderate in the pulpit, Fleming had a somewhat surprising taste for republican political views.[49] In 1823 the same earl presented Lewis Balfour, brother of James Balfour of Pilrig,W.S., agent for Lauderdale and trustee of Fleming's estate. An industrious, Evangelical minister, Lewis Balfour was the grandfather of Robert Louis Stevenson, who has left an affectionate account of his grandfather and the Manse of Colinton. In 1826, therefore, the eighth Earl of Lauderdale was the patron and Lewis Balfour

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[48]Shankie, Colinton, 54-55; Steuart, Colinton, 342-343; Murray, Colinton, 67-68; Harold W. Scott, ed., Lectures on Geology...by John Walker.... (1966), p. xlv; Scott, Fasti, i, 4; Arthur Grant, "In a Colinton Garden," unidentified newspaper clipping, c. 1901 (probably from The Scotsman), Edinburgh Room, Edinburgh Public Library; supra, chapter three.

[49]Murray, Colinton, 69-74; Scott, Fasti, i, 4-5; Shankie, Colinton, 55-56.

the Minister of Colinton.[50]

The earl's desire to sell this patronage enabled the society to implement its purchase plan. His lordship at first offered the right in the open market for about £1,800, but only when he lowered the price to £1,500 did the society decide to purchase. The organization itself had nowhere near that amount, but eleven lay directors lent it one hundred pounds each, holding the patronage in trust as security. Some criticized the price as too high, but the leaders pointed to the £1,800 recently paid for an obscure Highland living, in contrast to which Colinton was an attractive benefice. Located near the capital and under the eye of the press, it was, they held, an ideal parish for the society's purposes. Balfour and his parishioners welcomed the development, but the society's efforts to get the people of Colinton to contribute towards the cost of their future freedom proved largely unsuccessful. They could not even be persuaded to form an auxiliary. The patronage society had great difficulty in liquidating its debt.[51]

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[50]Shankie, Colinton, 39-40, 57-60, 109-111; Steuart, Colinton, 344; Edinburgh Presbytery, xix, 32-33, 48; SRO, Colinton Session, 4, 17 May and 10 August 1830; The Scotsman, 10 November 1906; Scott, Fasti, i, 5; Robert Louis Stevenson, "The Manse" (first published 1887), Essays by Robert Louis Stevenson (1918), 277-284.

[51]ECI, xxv (November 1826), 771-772, (December 1826), 899; 3 PAMPS (1829), 8, 22, 25; CPR, 3 (July 1829), 8, 17 (December 1833), 4, 19 (December 1834) 4, 8; DNB, xii, 799-801; SHR, xxxvi, 31.

The Colinton patronage was not only the only one the society was ever able to purchase--the society itself never even got the opportunity to exercise its right of presentation thereto. Its hopes that Colinton would provide a widely-emulated model of popular choice remained unfulfilled. When the organization ceased to function after 1834 the patronage passed to John Dunlop, advocate, one of the directors who had lent the funds for the purchase. In May 1842, about a year before the Disruption, Dunlop gave the patronage to all communicant members of Colinton parish church, "present and to come, male and female,...perpetually." The Colinton communicants exercised their right under this arrangement only once, on Balfour's death in 1860.[52] Although the method of choice that came to prevail in all Scotland after Parliament's abolition of patronage in 1874 was similar to Dunlop's democratic mode, it is doubtful that the Colinton purchase had much influence in eventually bringing about the post-1874 system. The society, however, took pride in this single implementation of its purchase plan. Bridges told an audience in 1828 that

> ...even the one purchase which we have made, securing as it does the spiritual liberty of upwards of 2000

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[52]Colinton Session, 4a, 1 May 1842, 30 April and 11 July 1860; The Scotsman, 10 November 1906; Shankie, Colinton, 60; Scott, Fasti, i, 5; see also Colinton Session, 4a, passim and CPR, 3 (July 1829), 2-3.

> souls, is such, that should we never accomplish more, we have deserved well of the Church, and of our country.[53]

With its purchase of the patronage of Colinton the society liked to link the acquisition of that of Dairsie, Presbytery of Cupar (Fife), by one of the organization's directors. The purchaser was Major William Innes of Sandside, a Caithness neighbor of the Ulbster Sinclairs. Sandside bought the Dairsie patronage in 1826 with the expectation that the parishioners would eventually purchase it from him. He offered the people two years, without interest, in which to meet the price, apparently £1,100. Dairsie was, however, a parish of only about 600 folk. Although they established an auxiliary, they never were able to come near to buying the right. Nonetheless, when the living fell vacant in 1841, for the first time since the sale, the patron gave the choice to the people. When the new minister went out in the Disruption, Sandside failed to take any action to fill the vacancy and the presbytery presented jure devoluto. In the years before 1874, however, Sandside's heirs retained and at least once exercised the right.[54]

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[53] 3 PAMAA (1828), 15.

[54] ECI, xxv (October 1826), 757, xxvii (March 1827), 245-246; 3 PAMPS (1829), 8, 23; Edinburgh Almanack 1826, 379; Edinburgh Almanack 1827, 380; SRO, Dairsie Kirk Session Minute Book 1837-1924, passim; [Bridges], Political State 1811, 36; Edinburgh Almanack 1825, 182; George Sinclair, The Contrast, or Two Ways of Ordering the Same Dinner: and Miscellaneous Lucubrations on Leaving London (1813), 35-37;

The initial optimism with which the society viewed the purchase plan soon gave way to disappointment and in time to a change of approach to the patronage question. In December 1826 one of the society's supporters had told the Aberdeen auxiliary that "we can now point to Colinton and Dairsie, and...afford a most convincing proof" that the organization could "obtain patronages, for...settling them on a popular footing." Two years later the same speaker declared to the same group that, although a number of patronages were being offered for sale, it was "a meloncholy consideration" that the society was unable to buy more than the single one it had.[55] Some who sought reform suggested that perhaps what was needed was a revival by Parliament of the 1690 provision that would oblige patrons to sell patronages to parishioners if the latter could raise a stipulated purchase price.[56] By 1832 the society had abandoned any idea of purchasing patronages. It had adopted a new program of petitioning Parliament for the outright abolition of patronage.

Mitchison, Agricultural Sir John, 77; Caithness Presbytery, 101-103; Scott, Fasti, v, 149-150; Robert and William Chambers, The Gazeteer of Scotland, (1832), i, 179.

[55] ECI, xxv (December 1826), 905; 3 PAMAA (1828), 7; 4 PAMPS (1829), 4; CPR, 7 (May 1832), 12-13.

[56] ECI, xxiv (January 1825), 44, xxvii (June 1828), 440; RDPS 1830, 2-3.

In order to achieve its goals, such as the implementation of the purchase plan, the patronage society constantly sought in its early years to strengthen itself by establishing branches throughout Scotland.[57] The society looked to these auxiliaries to arouse interest in its cause and especially to raise funds, to be "the sinews of its prosperity."[58] It also expected that they would be sources of petitions when the time should require them,[59] and always sources of prayer "for the reformation of our beloved church."[60] Anti-patronage clergy had little hope then of initiating any reform through the courts of the church. Therefore they ought to devote their efforts, so the national organization urged, to forming societies in their own and neighboring parishes.[61] "A little zeal and activity is the only human means requisite."[62] The parent group assured prospective founders of affiliates that there was "no desire in Edinburgh to engross power by any subserviency on the part of the other Societies." The Edinburgh organization

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[57]See for example ECI, xxv (May 1826), 345; (December 1826), 909; CPR, 3 (July 1829), 1; 4 PAMPS (1829), 3-4.

[58]ECI, xxv (November 1826), 774; 3 PAMAA (1828), 6-7; RDPS, 3 PAMPS (1829), 8.

[59]ECI, xxvii (June 1828), 441.

[60]3 PAMPS (1829), 18-19.

[61]ECI, xxv (December 1826), 898-899, xxvi (December 1827), 820.

[62]ECI, xxiv (February 1825), 136.

simply desired "that they should be formed on similar principles to the Parent Society."[63] The response to this call, the history of the auxiliary societies, provides some indication of the extent of the support the movement for patronage reform won.

The idea of a national religious society organizing branches was not novel. A number of the Scottish missionary movements had established them in some parishes.[64] In England there were "thousands upon thousands of auxiliaries" to the many London evangelical associations.[65] The patronage society hoped that its branches would develop and function in like fashion.[66]

Supporters of the cause established the first auxiliary in 1825 at Aberdeen.[67] Between 1826 and the end of 1830 there was a steady, but hardly outstanding, growth to thirty-eight branches. Thereafter, however, the increase was negligible, reaching and remaining at forty in 1832,

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[63] Ibid., 135-136.

[64] See for example ECI, xxvi (November 1827), 776-786, 793-797.

[65] Ford K. Brown, Fathers of the Victorians (1961), 358.

[66] ECI, xxv (December 1826), 899.

[67] 3 PAMAA (1828), 1.

1833, and 1834.[68] We do not know the membership of these societies, although few, if any, surpassed the Greenock auxiliary's total of 180 in 1830;[69] most probably fell far short of that. Although it may not have been difficult to organize auxiliaries in a few localities with an anti-patronage tradition,[70] in many places efforts to establish such associations either failed or fell short of expectations. These disappointments often resulted from a lack of support from people of influence[71] or from the hostility of the local clergy.[72] The latter could bar from speaking in their parishes ministers sympathetic to the movement, such as the clerical office-bearers of the national society and existing auxiliaries. The hardships of establishing local groups inspired one enthusiast to declare that

> any opposition the society may experience, should spirit on its friends to redouble their efforts, till an auxiliary is established in every parish of our Zion even from "Dan to Beersheba."[73]

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[68] ECI, xxv (December 1826), 898, xxvii (April 1828), 294; 3 PAMPS (1829), 2; RDPS 1830, 3; CPR, 5 (May 1830), 5, 8 (January 1831), 18-20, 10 (June 1832), 24-25, 14 (January 1833), 17-18, 17 (December 1833), 8, 19 (December 1834), 5-7; Craven, "Thomson," 201.

[69] CPR, 8 (January 1831), 23.

[70] ECI, xxvii (June 1828), 441.

[71] 3 PAMPS (1829), 19; 4 PAMPS (1829), 18; CPR, 8 (January 1831), 18-20.

[72] 4 PAMPS (1829), 19; CPR, 9 (May 1832), 7.

[73] ECI, xxv (November 1826), 763-764.

Many of the auxiliaries were located in large towns and in nearby parishes. Thus the Edinburgh society established an auxiliary in St. Cuthbert's parish, which, although a separate parochial entity, was really just a western part of the city. David Dickson, collegiate Minister of St. Cuthbert's and director of the parent society, was the moving force behind the founding of this branch. Yet although it had the support of some seceders, had a huge parish population from which to draw members, and some of the national leaders of the movement spoke at its meetings, the St. Cuthbert's auxiliary seems to have remained a rather small affair.[74] Other than this branch, moreover, there were no local societies south of the Forth and east of Dumfries, the only auxiliary in the Borders.

The most successful local society was undoubtedly that at Aberdeen, the urban center of the north east. Traditionally Aberdeen and its region had favored that side of the church represented in the eighteenth and early nineteenth centuries by the Moderate party. Thus, the Synods of Aberdeen and Moray continued to be bastions of strength in the defense of unreformed patronage. In the city of Aberdeen itself, however, a change had taken place. Most of the population had become Evangelical and supported that party and its causes. The city boasted many new Evangelically-motivated

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[74] Ibid., 763, xxvii (April 1828), 292-295.

societies, including twenty-five with specifically religious objectives.[75] It was therefore natural that some Aberdonians should establish an auxiliary of the patronage society.

One rather extraordinary man was largely responsible for both the Evangelical revival in the city and the success of the patronage auxiliary. James Kidd (1761-1834), Professor of Oriental Languages in Marischal College, was better known in the community as Minister of Gilcomston Chapel of Ease, which was one of the largest such institutions in the country, with a district of 10,000 people, many of them of the humblest rank. Kidd was born in Ireland where he became a schoolmaster, but went to Philadelphia in 1784, where he served the University of Pennsylvania as a teaching assistant and learned Hebrew from a Portuguese Jew. In 1791 he began to study both medicine and divinity at Edinburgh, but finished his theological education at Aberdeen after being presented in 1793 to his chair at Marischal. As the total annual income from his professorship was only £78 and his students were few, he had time to be a pluralist and was ordained to Gilcomston in 1801. Although he remained a chapel of ease minister, he was, to quote David Masson,

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[75] G. D. Henderson, "The Aberdeen Doctors," The Burning Bush: Studies in Scottish Church History (1957), 75-93; The Times Literary Supplement, 27 February 1964, 162; Mathieson, iv, 321, 353; [M'Crie] Present Crisis, 8-9; Saunders, Scottish Democracy, 132-134; Masson, Two Cities, 199-200; Robert and William Chambers, The Gazeteer of Scotland (1832), i, 16.

"more a king in the place, than all the rest put together." Professor Masson has left a vivid portrait of "The Doctor" (D.D., Princeton, 1818):

> About the year 1830 there was to be seen walking slowly, almost at any hour, through the streets of Aberdeen, a venerable grey-headed man of massive build and peculiarly dignified appearance, in handsome clerical costume ending in black-silk stockings; a man...with an air of authority and portly courage. Had you followed him you would have seen, by the respectful demeanour of those whom he met, that his authority was recognized.... Among the children...you would have been a wonderful attraction towards him....Their manner...was to place themselves...a few feet in advance of him...and to wait...till he came up, when invariably he put his hand on each little head with these words of blessing: "Be all good," "Be all good."

Kidd was the most familiar figure in the city, a popular preacher, a friend of the poor, and no puritan; many folk bought plaster busts of Kidd to mark the piety they sought for their homes. If this charismatic divine led Aberdeen to Evangelicalism, Masson concluded, "all this was not owing to Kidd, "for the Zeit-geist was at work, but much of it was owing to him. He was a flame at which many lit their candles."[76]

Kidd, as a staunch proponent of the right of the people to elect their clergy, in the spring of 1825 established the Aberdeen auxiliary patronage society. It differed from

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[76]Masson, Two Cities, 200-229; University Report 1831, 355-356; Scott, Fasti, vii, 375-376; DNB, xi, 90-91; Speech of...Hamilton, Strathblane, 4-5; ECI, xxv (December 1826), 907-908, xxx (May 1831), 344-347.

or went beyond the national organization in one important aspect--it openly dedicated itself from the start to "the complete abolition of the injurious system" of patronage.[77] Aberdeen, like Edinburgh, had an active bourgeoisie who with the clergy provided the leadership for Evangelical efforts. The founders of the local patronage society were a close-knit group who met regularly to discuss church affairs. Among its active supporters, besides Kidd, were two other university professors and three other ministers of the establishment, and some clergymen of the sects. The auxiliary held public meetings, raised funds for the national society, and published its own propaganda.[78]

Probably the most impressive evidence of the vigor of Kidd and his Aberdeen branch was the number of other local patronage societies established in the region. This was accomplished under the aegis of the Aberdeen organization, despite the ecclesiastical climate. At Aberdeen itself the local group formed the only female auxiliary, following the precedent of various English evangelical associations.[79]

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[77]Masson, Two Cities, 229; CPR, 15 (February 1833), 6; ECI, xxiv (December 1825), 837, xxv (May 1826), 354; 3 PAMAA (1828), 1.

[78]Saunders, Scottish Democracy, 130; ECI, xxv (May 1826), 353-354, xxvii (April 1828), 295; CPR, 2 (April 1829), 1; 5 PAMAA (1830), 3-4, 11-12; Scott, Fasti, vii, 368-369.

[79]CPR, 5 (May 1830), 2, 12 (September 1832), 8; Ford K. Brown, Fathers of the Victorians (1961), passim; Mathieson, iv, 151.

Outside Aberdeen "the Doctor" was largely responsible for the founding of at least ten parochial societies. He travelled south, west, and north, rousing folk to the cause. His only regret was that he did not have more time to give. Most of these local branches were in Aberdeenshire, and consisted of perhaps a few dozen members each. Their impact, however, was undoubtedly larger. For example, one gathering at Midmar attracted between four and five hundred people who met in a field to hear Kidd at sundown in a setting suggestive of Covenanting times.[80]

There were nine other auxiliaries in the larger region of the northeast, one at Elgin and one near it and seven in eastern Perthshire and Angus.[81] Dr. Kidd went about fifty miles south down the coast from Aberdeen to help one in Angus,[82] but whether or not he actively assisted any of the others is not known.

In the north there were branches in and near Inverness, in Caithness, and in Orkney. The Inverness auxiliary was one of the few to attract some of the landed class to its membership. This local society in "the capital of the north" had hopes of organizing several parochial

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[80]ECI, xxvii (August 1828), 576; 3 PAMAA (1828), 2; 5 PAMAA (1830), 7-8, 13-14; CPR 2 (April 1829), 3, 5 (May 1830), 2-3, 5-6, 9 (May 1832), 16.

[81]CPR 8 (January 1831), 18-20, 10 (June 1832), 24-25, 14 (January 1833) 4.

[82]CPR, 5 (May 1830), 3, 7 (December 1830), 3-4.

associations in the area, but only one ever developed.[83] In Caithness six of the ten parishes had auxiliaries, making it probably the country's most active area in support of patronage reform. This resulted, it appears, from two factors. One was the influence of the Sinclairs of Ulbster and especially of George Sinclair, the national society's vice-president and later president. The other factor was the strong Evangelical climate of the county, which was as suited to the lead of the Younger of Ulbster as Aberdeen's Evangelicalism was to Dr. Kidd's.[84] Although there was other support for the patronage movement in the Highlands and Islands, Stromness in the Orkneys was the only other place in the north where there was an auxiliary.[85]

There were a few local societies in southern Perthshire and Fife, of which one of the more active was Leslie, Fife. Leslie, a trading center of about 2,000 people, had a reputation for radicalism. Chambers' Gazeteer of 1832 remarked that no other place was "so strongly characterized by an independent political tone of sentiment, on every occasion of natural excitement." It was the first parish in Scotland to have a political union and the second to establish a

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[83] ECI, xxvi (March 1827), 246, xxvii (November 1828), 773, (December 1828), 879-880; CPR, 9 (May 1832), 15-16, 14 (January 1833), 9.

[84] ECI, xxvi (March 1827), 246, (September 1827), 661; CPR, 14 (January 1832), 14; Mathieson, iv, 259-260, 341-342.

[85] CPR, 9 (May 1832), 15.

patronage auxiliary. The latter seems to have been a fairly active body, helped in its founding by James Bridges, befriended by seceders, supported by the neighborhood (including a few of the gentry), and successful in raising funds for the cause.[86]

Finally, there were a few auxiliary societies in the West. There had been an anti-patronage association at Glasgow for a few years in the late eighteenth century, but since the Evangelicals of Glasgow had little of which to complain in the Town Council's presentations, it was not until 1830 that some Glaswegians established an outpost of the new patronage reform movement. The Glasgow auxiliary had large ambitions, but failed to realize them. Then, when the parent Edinburgh society turned to a national campaign to completely abolish patronage, the Glasgow society severed its connection and became the Glasgow Church Reform Society, an organization with less defined goals.[87] Paisley also had such a wider association, rather than a patronage auxiliary, although it was in communication with the national patronage

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[86] ECI, xxv (October 1826), 757-758, (November 1826), 764, xxvi (March 1827), 245-246, xxvii (March 1828), 228; 4 PAMPS (1829), 4; Robert and William Chambers, The Gazeteer of Scotland (1832), ii, 714; Mathieson, iv, 159, 209; CPR, 7 (December 1830), 4.

[87] CPR, 5 (May 1830), 1-3, 8 (January 1831), 3, 15 (February 1833), 15-19; see also Mathieson, iv, 14-20.

society.[88] The only branch in Lanark outside of Glasgow was at Lesmahago, once a center of the Covenanter cause, where Evangelicals organized an auxiliary in 1826. This group, believing in the divine right of the people to choose their pastors, immediately petitioned the General Assembly to call on Parliament to abolish patronage.[89] Last but by no means least was the auxiliary at Greenock, the great Clyde seaport. Like the Glasgow society, it was not founded until 1830, but in its zeal and success it quickly surpassed the association in the Western capital. With upward of two hundred members it was probably the largest branch in the country. Although it never formed parochial auxiliaries in its area, it did have regular contributors in all the neighboring towns. The Greenock society matched the effort of the Aberdeen association in raising larger sums for the national organization than other branches.[90]

The results of efforts to establish auxiliary societies unquestionably fell considerably short of hopes and expectations. The failure was the more disappointing

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[88] CPR, 9 (May 1832), 15.

[89] ECI, xxiv (March 1827), 246-248, xxv (August 1826), 532-533, (October 1826), 762, (December 1826), 835-837, xxix (October 1830), 685-690, (November 1830), 747-757; 4 PAMPS (1829), 4; J. B. Greenshields, Annals of the Parish of Lesmahago (1864), especially 109-122.

[90] CPR, 5 (May 1830), 3-4, 9, 7 (December 1830), 5, 8 (January 1831), 23, 9 (May 1831), 15, 14 (January 1832), 7, 16, 15 (February 1833), 9; see also SHR, xvii (January 1920), 118-137.

because the national organization had counted on the formation of many branches in order to do more than just raise money for the purchase of patronages. It had hoped that many local societies would "unite the people, throughout the nine hundred parishes of Scotland, in giving their cordial and decided testimony against patronage."[91] The existing auxiliaries reported to the parent association that the situation particularly required one or more professional organizers. "We have not had enough of agitation," wrote one society, arguing a need for leadership from the national level. Most suggested that Kidd or Dr. William Hamilton, the vigorous Minister of Strathblane, Presbytery of Dumbarton, be commissioned for such a campaign. Although the Edinburgh leadership liked the idea, it did nothing to implement it and the organization contemplated vast areas of apathy empty of auxiliaries.[92]

The patronage society felt that one of its principal problems was that too many of the Scottish people were ignorant of the patronage grievance and indifferent to its removal.[93] It sought to solve this problem through the

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[91] CPR, 8 (January 1831), 23-24.

[92] 4 PAMPS (1829), 18; CPR, 5 (May 1830), 6, 6 (June 1830), 2, 7 (December 1830), 3, 8 (January 1831), 26, 9 (May 1832), 5-8, 13; 5 PAMAA (1830), 10.

[93] 3 PAMAA (1828), 4; 3 PAMPS (1829), 3; 4 PAMPS (1829), 3; CPR, 4 (October 1829), 3, 8 (January 1831), 23.

publication of propaganda. In its early years news of the society and discussion of its cause appeared regularly in Andrew Thomson's Edinburgh Christian Instructor. The organization itself concentrated therefore on publishing reports of its annual meetings. These gave generous accounts of the speeches and reiterated the objectives of the movement. The society apparently could never afford to print more than five thousand copies of any annual report. These it gave away, through the auxiliaries. Occasionally too, the parent society printed a report from one of the branches, and the Aberdeen association published the reports of its own annual meetings. All these pamphlets seem to have made a positive impression on many people. Thus "a woman, in the lower ranks of life" exhibited "a copy of our last report, which had certainly been pretty much perused, if one might judge from the tattered and thumbed state...." Some local patronage societies traced their origins to the influence of these publications. The auxiliaries as a whole echoed a demand for their distribution.[94]

In 1829 one auxiliary proposed that the national society establish "a small periodical" of its own, "well

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[94] ECI, xxv (November 1826), 765-775, xxvi (February 1827), 100; 3 PAMPS (1829), 11, 18-19, 21, 25; 4 PAMPS (1829), 21; CPR, 5 (May 1830), 3, 8 (January (1831), 6, 9 (May 1832), 8, 15-16, 10 (June 1832), 5, 14 (January 1833), 15, 16 (September 1833), 4, 17 (December 1833), 13, 19 (December 1834), 8.

conducted, regularly published, and issued gratis...."[95] The leadership adopted this suggestion, and from that year the Church Patronage Reporter served as the chief channel of propaganda for the movement. It provided news of the national organization and the branches, and incorporated the reports of annual meetings. Nineteen issues appeared at irregular intervals, the last of them in December 1834. The length varied from four to twenty-four small (demy octavo) pages. With the fourteenth number in January 1833 the title was changed to the Anti-Patronage Reporter, reflecting the society's new open espousal of the complete abolition of the institution. The seventeenth issue, at the end of 1833, announced in large type the name of the organization as "the Anti-Patronage Society of the Church of Scotland," dropping the previous emphasis on "improvement" and the purchase plan. Despite these changes, however, the periodical throughout its existence remained essentially the same in both format and function. It was principally an extension of the separately published reports.[96]

The annual meetings of the national society had

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[95] 4 PAMPS (1829), 20.

[96] CPR, passim. The only file of the periodical that I have discovered is in New College Library, Edinburgh and does not include the first issue. Because the Church Patronage Reporter and the Anti-Patronage Reporter are the same periodical, with issues numbered consecutively (the former, 1 to 13, the latter 14 to 19), I have used the former name (CPR) throughout in annotation.

considerable importande for the movement. In part this was because the proceedings provided so much of the text for published propaganda. The meetings also proved useful as a way of strengthening the faithful and of drawing attention to the cause.

The society's regulations stipulated that annual meetings should be held in November. The group therefore met in 1825 and 1826 in that month in the same great room of the Waterloo Hotel, Edinburgh, where the society had been established. The presence of Joseph Hume, Member of Parliament for the Aberdeen burghs and a leader of the Radicals, distinguished the 1825 meeting. An enormously valuable politician who exposed all manner of wrongs and often secured their correction, Hume came to the society through his close and lifelong friend, George Sinclair. A supporter of evangelical causes, but no zealot himself, Hume took particular interest in the reform of church finances in all three British establishments. Privately he had suggested for Scotland "nothing less than the Sale of all the Church Patronages of the Crown to realize 3 Mill^{s} Strg to be applied as a Sinking fund to pay off the debt" of the country. He did not push this financial notion, but as a friend of the people's rights he encouraged Sinclair and the society in their campaign. He was glad to lend his name, considering it "rather <u>terrific</u> to the Abuses of the Church and horror to the Supporters of them...." His name meant much, for

Hume enjoyed great popularity in Scotland in 1825. A gala banquet given him by the Edinburgh Whigs in December, a month after the patronage meeting, testified to the fact; speeches by Jeffrey, Cockburn, James (later Lord) Moncreiff, Leonard Horner, and others, paid tribute to Hume's great public worth.[97]

The patronage society's 1826 meeting maintained the buoyant optimism of the first two years. "A large assemblage of ladies and gentlemen were present" and Sinclair took the chair "with general applause." The office-bearers announced that they saw much "to cheer and encourage....The cause...is arduous....Of the issue, however, the Directors have no fear....working...in the Lord's cause, they are irresistable...."[98]

The society failed to hold an annual meeting in 1827, but gathered on a Sunday evening in January 1828 in St. Mary's Church, Edinburgh, to hear a sermon from the church's pastor and society director, Henry Grey. This event brought the society a profit of over £27, collected from a large

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[97] ECI, xxiv (December 1825), 834; Sinclair of Ulbster MSS., Thurso East Mains, Caithness (hereafter Thurso East MSS.), volume of letters from Joseph Hume to Sir George Sinclair (1812-1853), passim and especially 30 December 1824, whence the quotations; DNB, x, 230-231; William Law Mathieson, English Church Reform, 1815-1840 (1923), 59, 156; Mathieson, iv, 174; Ford K. Brown, Fathers of the Victorians (1961), 345; Scots Magazine, xcvi (December 1825), 753-755; Saunders, Scottish Democracy, 93.

[98] ECI, xxv (December 1826), 896, 899-900.

congregation, whereas the last previous annual meeting, in 1826, had been an expense of over £11. On the other hand, some supporters complained that the society needed the printed proceedings of regular annual meetings in order properly to propagate the cause.[99] The following January, 1829, therefore, the organization returned to its previous practice. It held a "numerously and respectably attended" rally in the Assembly Rooms, George Street, Edinburgh, designating it as the third annual meeting.[100]

Still unsatisfied, however, the leaders felt the need of investing these gatherings with greater meaning. The society returned to the stipulated month of November and later in 1829 held its fourth annual meeting in the growing industrial city of Dundee. Dundee was an important burgh and the location of an auxiliary in process of establishment. The meeting was a success and the innovation of holding these assemblies away from the capital won the approval of the society at large.[101]

The next annual meeting (entitled the sixth) took place in December 1830 in Glasgow. It attracted a few friends from outside the Western metropolis, including Dr.

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[99] ECI, xxvii (March 1828), 227-228; 3 PAMPS (1829), passim; 4 PAMPS (1829), 21.

[100] 3 PAMPS (1829), 1, 3.

[101] 4 PAMPS (1829), 2, 16, 18-20; CPR, 4 (October 1829), 1.

Kidd of Aberdeen, who received permission to preach for the society in the Tron Church the evening before the meeting. The meeting itself disappointed the organization's supporters because most of the city's Evangelical clergy failed to attend.[102] Because of an epidemic the society postponed its seventh meeting, scheduled for Edinburgh in November 1831, to the following May when the General Assembly would be in session. Convened with the "late" Lord Provost in the chair, the timing of this meeting enabled the proponents of patronage reform to reach some Assembly commissioners and to draw attention to the cause.[103]

The society conducted an eighth general meeting at Aberdeen, October 1832. Announcing itself from this point on as "the Anti-Patronage Society," the organization next held three rallies in 1833 to stimulate petitioning Parliament for abolition. These took place at Edinburgh in January (an "extraordinary" meeting) and December (the ninth annual) and at Glasgow in November ("extraordinary"). The tenth and apparently last annual general meeting occurred in Edinburgh, December 1834, ten years after the society's establishment.[104]

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[102] CPR, 8 (January 1831), 1, 3, 9 (May 1832), 14.

[103] CPR, 9 (May 1832), 1, 10 (June 1832), 1.

[104] CPR, 11 (August 1832), 7, 13 (October 1832), 1, 15 (February 1833), 1, 17 (December 1833), 1, 19 (December 1834), 1; Public Meetings 1833, 1.

In addition to its regular meetings, to hear speeches and vote motions, the society and its auxiliaries occasionally arranged for benefit sermons. This was a fairly common practice among religious associations in a day when sermons were an important and often popular part of life. Thus, as has been mentioned, Grey and Kidd served the cause. So too did various other clergymen, including some seceders. This method not only helped to publicize the movement from the authoritative position of the pulpit, but often added to the funds of the society.[105]

Funds were of course a necessity to the life of the patronage society, and the organization exerted itself to raise revenue. But due both to a financial crisis in 1824-1825 that halted economic growth[106] and to widespread apathy toward patronage reform, the society found this no easy task. James Bridges announced from the first that the leaders would have to appeal to friends of all ranks. "The halfpence of the poor, and of children," he wrote, "should be as gratefully received as the gold of the rich."[107]

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[105] ECI, xxvii (March 1828), 227-228; (April 1828), 294-295; 3 PAMPS (1829), 5; CPR, 2 (April 1829), 2, 3 (July 1829), 2, 5 (May 1830), 2, 4-5, 8 (January 1831), 1, 17 (December 1833), 3, 5; SRO, Index of Subscribers & Donors to the Society for Improving Church Patronage (CH.1/5/86).

[106] Mathieson, iv, 234-235; Saunders, Scottish Democracy, 88.

[107] [Bridges], Appeal, 30; see also "Kurioikouphilos," Vox Populi, 13-15.

The society correctly expected that the costliest part of its campaign would be the purchase of patronages. One supporter optimistically wrote:

> It is probable that, on an average, only one patronage will be offered for sale in a year, and that...the price may be rated at £1000. Now as there are nearly 1000 parishes in Scotland, were the people hearty in the cause, it would surely be an easy matter for each parish to raise £1 a year for the society.[108]

Even if the society could have raised one pound each year from each parish for that year's purchase, the program would have turned out to be a long range undertaking; potentially it could have lasted to the year 2825. The society hoped, however, that when patronages became available for purchase wealthy friends would provide funds.[109]

The national society's income varied considerably from year to year. Total contributions averaged, however, just under £200 per annum, adding up to nearly £2,000 for the ten year period of the organization.[110] The most frequent annual individual contribution was one guinea, the next half a guinea, and after that five shillings. In the ten years there were only two gifts of more than £15--£112 and £266. Both were anonymous, although it was known that

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[108] ECI, xxv (November 1826), 774.

[109] ECI, xxiv (December 1825), 835-836.

[110] Information compiled from 3 PAMPS (1829), 25; 4 PAMPS (1829), 21; CPR, 8 (January 1831), 6, 10 (June 1832), 5; 14 (January 1833), 15, 17 (December 1833), 13, 19 (December 1834), 8.

the latter came from a family in "the humbler walks of life." How many individuals made donations to the cause in an average year is impossible to estimate because so much of the income came in lump sums from auxiliaries. However, less than one hundred gave directly to the national organization in any given year.[111] There were never more than two dozen auxiliaries sending in donations in any one year, and very few such donations exceeded five pounds. The few societies that managed to contribute larger sums were the ones in such regional centers as Aberdeen, Inverness, and Greenock.[112] The average individual contribution to auxiliaries appears to have been one or two shillings.[113] The patronage society was, therefore, an organization with a modest revenue contributed by no more than a few hundred people.

The society expended its funds for two principal purposes. It used something under one quarter of its income to publicize the cause of patronage reform and later, abolition.

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[111] 3 PAMPS (1829), 8, 22-24; 4 PAMPS (1829), 22; CPR, 8 (January 1831), 26-28, 10 (June 1832), 4; SRO, Index of Subscribers & Donors to the Society for Improving Church Patronage (CH.1/5/86).

[112] 3 PAMPS (1829), 6-8; 4 PAMPS (1829), 22-23; 5 PAMAA (1830), 15; CPR, 3 (July 1829), 3-4, 5 (May 1830), 9, 7 (December 1830), 7, 8 (January 1831), 26-28, 10 (June 1832), 26-27; ECI, xxv (May 1826), 354, (October 1826), 757.

[113] 3 PAMPS (1829), 19; CPR, 12 (September 1832), 9-10.

The chief item of discharge in this category was printing. The organization devoted the remainder of all its income, over three-fourths or well above $1,500, to the purchase of the one patronage it was able to acquire.[114]

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[114] ECI, xxv (December 1826), 899, xxviii (February 1829), 156; 3 PAMPS (1829), 25; 4 PAMPS (1829), 21; CPR, 8 (January 1831), 6, 10 (June 1832), 5, 14 (January 1833), 15, 16 (February 1833), 4, 17 (December 1833), 13, 19 (December 1834), 8.

CHAPTER X

A TIME OF CHANGE: FROM "IMPROVEMENT TO ABOLITION

The patronage society's change of direction from "improvement" to abolition came during a time of upheaval and change in the ecclesiastical and political scene. Two controversies in this period--the Apocrypha dispute in the late Twenties and Irvingism in the early Thirties--embroiled and divided the society's leadership. In this period also the organization lost by death its first leader, Andrew Thomson, and gained its second, George Sinclair. Three other developments--a general improvement in the exercise of patronage, political reform, and the rise of voluntaryism (a movement to disestablish the Church of Scotland)--further effected the movement for patronage reform. On the whole the movement benefited from the climate of questioning and flux, even though patronage reform came to take a different form than the abolition the society advocated.

The spirit of change showed itself in Europe generally as well as in Scotland. The July Revolution in France in 1830 enforced movements for change in Belgium, Poland, England, and the Italian and German states. It also encouraged the forces of reform in the northern British kingdom.

The Greenock auxiliary of the patronage society believed that the European upheavals would "excite" the partisans of patronage reform "to renewed ardour and diligence" and would lead to the purification of "our Scottish Zion."[1] From the Moderate side Principal Duncan Macfarlan of Glasgow lamented in the spring of 1832 that "all over Europe the present was a season of uncommon excitement, when the minds of mankind were roused...." "There never was," he said, "a period less favorable to the calm and deliberate consideration" of such important matters as patronage.[2] A year earlier, addressing the Synod of Moray, Alexander Clark, one of the ministers of Inverness and staunch friend of the society, had attacked Moderate defenses of patronage as "shining talk about vested interests." He had warned that such talk would "prove but a very fallacious security in an age like this, when the erections of ages are seen tottering to their base over all the countries of Europe."[3]

People were questioning vested rights and examining institutions. In Scotland this was especially so, for there remnants from the feudal age were part of the fabric of life longer than in England; much more was ripe for change.[4]

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[1] CPR, 8 (January 1831), 24.

[2] Debate anent Calls 1832, 50.

[3] CPR, 9 (May 1832), 3.

[4] See for example Mathieson, iv, 229.

The demise of small farming in the Lowlands had led to radical changes in patterns of living and impelled many into ecclesiastical and political reform movements.[5] Many Evangelicals were urging that this "spirit of inquiry into the uses and abuses of things" be harnessed to the good of the church.[6] "Public opinion" was "influential in every department" and could well serve the cause of patronage reform.[7]

The Apocrypha controversy undoubtedly deflected much Evangelical energy that might otherwise have aided the society's cause. The dispute arose over the British and Foreign Bible Society's practice of including the Apocrypha in many copies of the Scriptures sent abroad. The Edinburgh Evangelicals took the lead in opposing this inclusion of uncanonical books, although a few of them supported the other side. Leaders of the patronage society were active in both camps. Notable among the warriors attacking the Apocrypha was Andrew Thomson himself. The Edinburgh Bible Society elected the patronage society's founder its secretary and under his leadership it broke from the London organization, carrying many branches throughout Britain with it. On the

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[5]Saunders, Scottish Democracy, 13, 75.

[6]Debate anent Calls 1832, 7-8; Patronage Report, 309; A. V. Dicey, Lectures on the Relation Between Law & Public Opinion in England during the Nineteenth Century (1914), 63-64.

[7]Patronage Report, 134, 191.

other side the Scottish defenders of the Apocrypha's publication included two good friends of patronage reform. These were Edward Irving and, more importantly, Henry Grey, Minister of St. Mary's, Edinburgh. The warfare commanded much attention from 1825 to 1829 and reached bitter depths of bad feeling.[8]

Thomson and Grey, close friends in the patronage reform cause, became abusive opponents in this Apocrypha contest. Rarely have two men wasted so much energy against each other. In the rabid evangelical atmosphere of that day, however, this consuming controversy between the intrepid Thomson and the catholic-spirited Grey is understandable. The dispute overwhelmed the pages of Thomson's Edinburgh Christian Instructor for much of the period from 1827 to 1830. Therein the editor answered the harsh pamphlets that Grey and Mrs. Grey published (her's anonymously) against him, and with equal venom.

The controversy reached its nadir of staggering vilification in Thomson's review of Grey's pamphlet in the number for January 1828. The review comprises almost the whole issue. Thomson quotes Grey as calling him a "boaster that

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[8]ECI, xxvi (1827), xxvii (1828), xxviii (1829), and xxix (1830), passim; Craven, "Thomson," 176ff and loose abstract with this thesis; Henry F. Henderson, The Religious Controversies of Scotland (1905), 95-110; Mathieson, iv, 273-276; Anderson, Edinburgh Clergy, 102; SHR, xiv, 281; see also Craig, Scottish Literature.

came forth daily as an alien to defy the armies of the living God," a "scourg [sic] of God," and "implement of Satan," and a "spider." The Minister of St. Mary's had further accused the Minister of St. George's of bribing postal employees to read his (Grey's) mail. Thomson in his turn called Grey's pamphlet "black rankling malevolence" and the product of its author's "thirst for vengeance." Grey, the editor continued in the third person, was a "perfidious ingrate," who "but for Dr. Thomson's strenuous and disinterested efforts" would never have gotten his city parish. The Evangelical leader then accused his sometime Evangelical associate of reading pornography with a married lady. The ludicrousness of the whole situation is shown by the fact that right next to an attack on Grey in the March 1828 issue is a report of Grey's much appreciated sermon for the patronage society.[9] How could public opinion be won for the cause of patronage reform, however, when the wretched rhetoric of pamphlet and periodical so overshadowed the pleas of the pulpit?

So serious did this Apocrypha dispute between Grey and Thomson become that in April 1828 Grey laid the matter before the Presbytery of Edinburgh. The court referred the problem to a committee of six powerful clerics, both

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[9] ECI, xxvii (January 1828), 1-85, (March 1828), 226-228.

Moderates and Evangelicals. The committee was chaired by David Dickson of St. Cuthbert's who, like the two controversialists, was a leader of the patronage society. Although Thomson carried parts of the case to both synod and General Assembly, eventually the dispute subsided and presbytery ordered all the evidence of this ugly episode destroyed.[10]

With the Apocrypha controversy barely over, Scotland, Evangelicalism, and the patronage society received a rude shock when Thomson suddenly died. One writer of the day suggested that the consuming dispute with Grey "must have tended to hasten his premature death."[11] He died at the age of fifty-one on 9 February 1831, after a day at presbytery and as the result of an attack that bleeding of the jugular could not overcome.[12]

Thomson's death caused, in Henry Cockburn's words, "a deep and universal sensation." His funeral attracted enormous crowds as well as an unprecedented number of the nation's clergy.[13] The shock of this strongly charismatic divine's death brought much mourning in the ranks of the

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[10]Edinburgh Presbytery, xix, 231-232, 235, 238, 244-245, 250-251, 254, 277, 324.

[11]Anderson, Edinburgh Clergy, 102.

[12]Blackwood's Edinburgh Magazine, xxix (1831), 577-578; ECI, xxx (February 1831), 132-135; Edinburgh Presbytery, xix, 516-520.

[13]Cockburn, Journal, i, 3-5, Affairs of Scotland, 293; Edinburgh Presbytery, xix, 521 and passim.

patronage reform movement.[14] One auxiliary wrote of their sorrow at being deprived of "the zealous and faithful pastor for the truth, and the great champion for sweeping away all abuses connected with our church."[15]

Until the day of his death Thomson remained convinced of the necessity of patronage reform. However, other causes, especially the Apocrypha matter, had distinctly reduced his contribution to the work of the patronage society.[16] With his demise the organization became for a time somewhat dormant. It published no numbers of its Church Patronage Reporter between January 1831 and May 1832 and held no national meetings between December 1830 and May 1832. Undoubtedly such factors as the Irvingite troubles, a general epidemic of Asiatic cholera,[17] the signs of some improvement in patrons' presentations, and the interest in Parliamentary reform go far to explain this period of inactivity in the patronage reform movement. But undoubtedly the death of the founder and leader also contributed to the society's temporary decline.[18] Not until the autumn of 1832

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[14]See for example CPR, 9 (May 1832), 11.

[15]CPR, 14 (January 1833), 3-4.

[16]Patronage Report, 202, 369; CPR, 10 (June 1832), 2.

[17]See for example Pryde, New History, ii, 253&n.

[18]CPR, 9 (May 1832), 1.

did a new leader launch the organization's second period of action.

Another of the disputes that weakened the patronage society was Irvingism. In addition to Edward Irving himself, who had been an early supporter of patronage reform, the controversy involved a number of the society's foremost friends. Directors of the organization took leading parts on both sides, as in the Apocrypha dispute. The controversy raged over Irving's teachings on Christ's humanity and over his and his followers' proclivity for glossolalia. Irving's chief opponents were two of the patronage society's leading clerics. They were David Dickson of St. Cuthbert's, director of the parent society and president of his parish's auxiliary, and William Hamilton of Strathblane, Presbytery of Dumbarton, one of the organization's oratorical champions. Irving served as Minister of the Scotch National Church, London, and so Walter Tait, Minister of Trinity College Church and director of the patronage society, led Irving's movement in Edinburgh. M. N. Macdonald, W. S., the society's treasurer, was one of Tait's principal associates.[19]

Dickson and Hamilton first brought the weight of the church against Irving in 1831. They persuaded the General

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[19]For Irvingism see Margaret Oliphant Oliphant, The Life of Edward Irving, Minister of the National Scotch Church, London (fifth edn., London, n.d.); Whitley, Irving; Henry F. Henderson, The Religious Controversies of Scotland (1905), 111-146.

Assembly of that year to appoint a committee, with Dickson as convener, to examine Irving's writings. The committee reported to the same Assembly that Irving's works contained heresy. Immediately Evangelicals and Moderates joined to have the high court order that any presbytery, within whose bounds Irving might seek to appear as a clergyman of the kirk, should try him for heresy. Dickson wanted to go farther and he convinced the Assembly of 1832 to order the Presbytery of Annan, which had ordained Irving, to summon him for trial. The presbytery tried and deposed Irving in March 1833, and he went forth to found his own sect.[20]

In the capital Dickson led the Presbytery of Edinburgh against the Irvingite movement in Tait's Trinity College Church. This case extended from January 1832 to October 1833 and involved synod and General Assembly as well as the presbytery. Dickson got the courts to take action against Tait because he permitted glossolalia to interrupt public worship, because he administered the sacrament unlawfully, and because his elders, notably Macdonald, refused to subscribe the Confession of Faith. Leading members of the presbytery, including Dickson himself and Thomas Chalmers, sought in a fraternal way to reason with Tait. That, however, proved fruitless and Tait was deposed. He became the

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[20] ECI, xxx (June 1831), 442, 460-461, (September 1831), 603-609; Henderson, Religious Controversies, 140-141; Patronage Report, 338; SHR, xiv, 282.

leader of the Edinburgh branch of Irving's "Catholic Apostolic" sect. The patronage society removed both Tait and Macdonald from its board of directors. Despite that action and Dickson's leadership of the prosecution, a few of the society's opponents used the Irvingite affair as basis for an accusation that the organization was tinged with heresy.[21]

Some supporters of the society had also been involved in the heresy proceedings of about that same period centering on John Macleod Campbell, Minister of Row, Presbytery of Dumbarton. The young, saintly minister was deposed in 1832 for preaching the doctrine of universal atonement. Although a society director, William Bonar the banker, had been a witness for Macleod Campbell, Hamilton of Strathblane had been his chief opponent.[22]

One of the factors in the patronage situation of the early 1830's was a general improvement in the operation of the institution, whether by the Crown, individuals, or

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[21]Edinburgh Presbytery, xix, 586-587, 595-596, 598-600, 607-608, 611-612, 631-633, 636-637, 642, 649-655, 661, 678-681, 686, 696-697, 699, 705, 710, 715, 719, xx, 7-23, 25, 43, 47, 51-54, 56-69, 64, 66-68, 72-80, 82-83, 87-120; Scott, Fasti, i, 128-129; Oliphant, Irving, 405-406; Andrew Landale Drummond, Edward Irving and His Circle (c.1936), 232; CPR, 8 (January 1831), 2-3, 10 (June 1832), 24-26.

[22]Edinburgh Presbytery, xix, 516-517; ECI, xxx (April 1831), 298-300, (June 1831), 446; Henderson, Religious Controversies, 147-181.

burghs. Both Moderates and Evangelicals recognized this change for the better and ascribed it to the rising influence of public opinion that was making an impression in so many areas.[23] Not surprisingly, supporters of the patronage society attributed the improvement to its efforts in behalf of patronage reform.[24] Equally naturally, at least one leading Moderate spokesman denied this interpretation.[25]

"Improvement" in the government's administration of the Crown patronage appears actually to have been only slight. In part this was so because of the approach Robert Peel had introduced as Tory Home Secretary during the 1820's. He had often sought to ascertain the desires of parishioners, although the wishes of heritors had carried a greater weight.[26] After the Whigs took office in November 1830 the largely Whiggish leadership of the patronage society sent the new government a plea to improve the method of making Crown presentations. This memorial to Lord Melbourne, the new Home Secretary, urged that whenever "agreeable to his Majesty's pleasure," the Crown should present the choice of the whole parish. It asked that equal weight be given to

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[23] Patronage Report, 27, 134, 167, 190-191, 252, 266, 278, 308, 421; Mathieson, iv, 304 and n.

[24] Patronage Report, 27.

[25] Ibid., 266.

[26] Supra, chapter two.

elders and communicant heads of families along with heritors. The request carried the signatures of over four hundred leading Evangelicals. These included nearly one hundred elders, over two hundred merchants and manufacturers, but only ten lawyers and twenty-four ministers.[27] It does not appear that Melbourne devised any machinery to implement the memorial's plea. While one Moderate leader thought in 1832 that the Crown was exercising its patronage "with the utmost tenderness and deference to popular feeling," the patronage society remained convinced that only fundamental reform would meet the needs of the situation.[28]

A larger number of individual patrons than ever before won popular approval in this period for their approach to presentation.[29] The public particularly applauded those patrons who consulted parishioners' wishes, and parishioners

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[27]Unto the Right Honourable Lord Viscount Melbourne, His Majesty's Secretary of State for the Home Department, The Memorial and Representation of the Undersigned Ministers, Elders, and Other Members of the Church of Scotland....; CPR, 11 (August 1832), 3-7.

[28]CPR, 9 (May 1832), 5, 10 (June 1832), 23; Debate anent Calls 1832, 49-50, 83-84; ECI, xxx (July 1831), 504; Patronage Report, 102. For most of the late 1830's the Evangelical Whig Fox Maule (later eleventh Earl of Dalhousie) administered the Crown's Scottish church patronage as Under Secretary at the Home Office; careful about parochial opinion, his administration won the praise of anti-patronage leaders (Panmure Papers, i, 25, ii, 509).

[29]Debate anent Calls 1832, 49-50, 83-84; see also 3 PAMAA (1828), 8 and ECI, xxv (November 1826), 768.

were increasingly making their views known even without being invited by the patrons to do so.[30] Observers interpreted these instances of popular participation and expression as examples of the increasing general rôle of public opinion.[31] Lord Moncreiff added that some patrons were being more careful to present popular pastors because of a very practical factor. Withdrawals from a parish church might lead to the institution or increase of assessments on the heritors to make up losses in collections for the poor.[32]

For Evangelical leaders like Moncreiff, Stevenson M'Gill of the Glasgow divinity chair, and Patrick McFarlan, Minister of Greenock, the "improvement" they saw in the presentations of individual patrons did not primarily mean popular participation. Rather it meant strongly Evangelical appointments. This betterment they ascribed to the recent increase in the piety of the upper class. M'Gill declared that the Scottish aristocracy, who formerly returned from their English educations in a "deteriorated" state, were now coming home, thanks to Wilberforce's influence, with a healthy respect for evangelical religion.[33]

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[30] Patronage Report, 41, 134, 344-345; CPR, 15 (January 1833), 19.

[31] Patronage Report, 134, 191, 254.

[32] Ibid., 191.

[33] Ibid., 46, 191, 309.

The partisans of the patronage society of course welcomed this new outlook in some of the patronal class. For them, however, the patrons who merited thanks were those who recognized the right of the people to take part in the choice of their pastors. They applauded James Henry Callander of Craigforth, patron of Lochgoilhead, Presbytery of Dunoon, for giving the choice to the parishioners.[34] They praised the Duke of Portland for sanctioning an election among the communicants of Kilmarnock in 1833.[35] They even liked the system of the Duke of Hamilton who, in choosing a presentee for Hamilton in 1830, had chosen from three nominees selected by the people from his own original leet of seven. The three nominees were all Evangelicals.[36]

The society particularly lauded the free election at Thurso sponsored by George Sinclair himself. His father, Sir John, gave him the right of presenting at the 1830 vacancy and he in turn gave the male communicants the responsibility of choosing the presentee. He proposed one individual for their consideration and the elders proposed two others, but all three clerics announced that they had no interest in leaving their current livings. The communicants

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[34] CPR, 7 (December 1830), 6, 8 (January 1831), 17; Scott, Fasti, iv, 37.

[35] CPR, 15 (January 1833), 20; Patronage Report, 30, 80-81, 250.

[36] RDPS 1830, 3; CPR, 7 (December 1830), 5-6.

had also asked George Sinclair to choose three candidates from their list of seven licentiates. In the meantime, however, the parish heard a sermon from Walter Ross Taylor, Minister of the Scottish chapel, Islington, near London, who was then visiting in Ross-shire. The people of Thurso so liked Taylor that they heard him preach two more times and made enquiries about him. Soon a general meeting of male communicants unanimously recommended Taylor and Sir John sent in a presentation for him.[37]

George Sinclair's objective had been to show how successful a popular election could be, and he believed he had succeeded. When the parish had asked that he too hear Taylor, because they wanted him to be satisfied with their choice, he had declined. He told the 1834 House of Commons committee on Scottish church patronage, of which he was chairman, that

> ...I was anxious that they should have the full credit or responsibility of the appointment, and I knew that there were persons amongst them in whose spiritual discernment and christian experience I had more confidence than in my own. Mr. Taylor was therefore appointed; and...until the latest moment of my life I shall have cause to feel grateful to the parishioners for having provided myself and my family with one of the most able, pious and efficient ministers in Scotland, whose popularity,

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[37]Caithness Presbytery, 152, 163-168; CPR 7 (December 1830), 6-7, 8 (January 1831), 26; Patronage Report, 290-292.

> zeal and usefulness...seem to increase from year to year.[38]

The Thurso election added adherents to the ranks of the patronage reform movement, especially in Caithness.[39] Even the old Baronet of Ulbster declared in December 1830 that the "harmonious nomination...in so populous and so interesting a parish...is an object of much importance, and cannot fail being an example worthy of the imitation of other patrons and other parishes."[40] Actually "Agricultural Sir John" had himself taken a first step in a popular direction when he had presented the choice of "the magistrates and principal inhabitants" at the previous vacancy in 1804.[41] The Thurso election of 1830 provided George Sinclair and the society with a good example in support of their arguments. It also undoubtedly enhanced Sinclair's position within the leadership of the society at Thomson's death.

The situation of the exercise of patronage by individuals at this period was by no means totally pleasing to proponents of reform. The society particularly objected that patrons still often ignored the will of the people. A

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[38] Patronage Report, 290.

[39] CPR, 7 (December 1830), 3, 4, 6-7.

[40] Ibid., 7.

[41] Patronage Report, 291.

number of patrons responded to an Evangelical, but not to a democratic, impulse. Thus some of them turned to Thomas Chalmers, well known Professor of Divinity at Edinburgh, to choose presentees for them. While part of the popular press criticized Chalmers for ignoring the desires of parishioners, the society attacked the autocratic system which permitted such a situation.[42] Many patrons, of course, did not even feel an Evangelical impulse. The period witnessed a few thoroughly unpopular intrusions.[43] However, in at least the case of West Calder, Presbytery of Edinburgh, the public's vigorous objection forced the withdrawal of a presentation.[44]

Town councils, more than the Crown and individual patrons, won approval for improvement in the administration of their ecclesiastical patronage. Andrew Thomson, in one of his last pronouncements, in January 1831 had appealed to municipal corporations to follow the pre-1762 system of Edinburgh and other towns. Under that system presentations had been made with some popular participation. Early in 1832 the directors of the society noted with pleasure the

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[42]CPR, 15 (February 1833), 20-21. See also supra, chapter two; Anderson, Edinburgh Clergy, 5; and Scott, Fasti, iii, 207; Debate anent Calls 1832, 83-84.

[43]CPR, 7 (December 1830), 6; Patronage Report, 255.

[44]Scott, Fasti, i, 180.

beginning of a trend in that direction.[45]

The society particularly lauded the magistrates of the capital for their management of patronage. One director of the society noted even in 1829 that "at least there were strong indications of...better sentiments having begun to prevail with these authorities."[46] Largely responsible for leading the Town Council in this direction were two Lord Provosts of the late 1820's and early 1830's, Walter Brown, and William Allan of Glen. The former was a director of the patronage society and the latter believed that the Town Council should appoint as the elders and congregation of a vacant church desired. This seems to have become for the period the city's policy. The appointment to St. George's after Thomson's death appropriately followed this principle, but this was only one of several instances. While Dr. Chalmers saw "a moral beauty...surpassing all praise" in the Evangelical diligence of the magistrates, the patronage society welcomed as well their democratic tendency.[47]

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[45] Debate anent Calls 1832, 49-50; 3 PAMAA (1828), 8; ECI, xxv (May 1826), 353, (November 1826), 768, xxx (January 1831), 43; CPR, 10 (June 1832), 4; Patronage Report, 134; see also supra, chapter one.

[46] 3 PAMPS (1829), 9.

[47] Anderson, Edinburgh Clergy, 45, 50, 54, 60-61, 70; Debate anent Calls 1832, 29-30; CPR, 7 (December 1830), 4-5; Edinburgh Almanack 1830, 278; [Marguerite Wood], The Lord Provosts of Edinburgh, 1296-1932 (1932), 110; David Maclagan, St. George's, Edinburgh (1876), 39.

Other towns in the early 1830's followed the capital's lead. This was true of the Town Council of Glasgow in its various patronages.[48] It was also true of the patrons of the Gorbals, Glasgow, the heritors and session, who at the vacancy of 1833 gave the choice to the large population. Although the majority of the folk were voluntaries, yet the selection was "harmonious."[49] The magistrates of Paisley had for some time been successfully using popular choice in their presentations.[50] Dundee enjoyed particular note for its use of this method. The Town Council had in fact won office in part because of a pledge to inaugurate such a policy. Although it was a town of considerable Evangelical enthusiasm and numerous dissenters, the popular system seemed to work well there.[51] In Aberdeen, thanks in part to the efforts of the anti-patronage auxiliary, the magistrates were beginning to consult the people and even incorporated full popular choice into the

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[48] Debate anent Calls 1832, 30; CPR, 15 (January 1833), 20.

[49] Patronage Report, 80. (Interestingly, the choice of the people was Alexander Truner, who later wrote one of the best accounts of the Disruption.)

[50] 6 PAMAA (1831), 6, 10; CPR, 9 (May 1832), 15; supra, chapter two.

[51] CPR, 9 (May 1832), 7, 13 (October 1832), 20-21; 6 PAMAA (1831), 6; Patronage Report, 81, 249-250, 354; Saunders, Scottish Democracy, 137-138.

constitution of a new parish.[52] In Perth the magistrates resolved in 1832 to give the nomination of the town's four ministers to the male communicants.[53] The powerful Minister of the Middle Parish, William Thomson, brother of Andrew and himself a supporter of the patronage society, undoubtedly helped bring the city fathers of Perth to this decision. The Town Councils of Stirling and Kirkwall had also begun to use popular elections, which had proved successful.[54] Most of these changes in a democratic direction took place even before the general Scotch Burgh Reform Acts of 1833 changed the municipal government system from close to more representative corporations.

The patronage society welcomed all this "improvement" in patronage, which after all was its original object. Yet in these years of reform the organization turned to the quest for a permanent legal guarantee of the popular choice of clergy. The Church Patronage Reporter, the society's periodical, remarked that the times "multiplied the inducements...to the people to act with firmness."[55]

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[52] 3 PAMAA (1828), 19; 6 PAMAA (1831), 9-12; Debate anent Calls 1832, 30; CPR, 13 (October 1832), 20-21, 14 (January 1833), 1-2.

[53] CPR, 13 (October 1832), 21, 14 (January 1833), 11-13.

[54] CPR, 8 (January 1831), 17, 9 (May 1832), 14; 6 PAMAA (1831), 10; see also Edinburgh Presbytery, xix, 542.

[55] CPR, 7 (December 1830), 6.

Among the most notable of these encouraging signs was the reform of Parliament in 1832. It undoubtedly contributed to an "improved" exercise of patronage. Politically-minded patrons in Scotland now had reason to attempt to please public opinion, where once they had sought merely the favor of the few who enjoyed the Parliamentary franchise.[56] More important for the patronage reform movement, however, Parliamentary reform seemed to open the door to legislative change in many fields.

The historical importance of the Scotch Reform Act of 1832 is much greater than its rather modest provisions suggest. The law extended the Parliamentary franchise from something under 5,000 voters to something over 60,000. While better-off townsmen and farmers got the vote, the masses remained without it.[57] Nonetheless, even that much change impressed the public mind with the idea that a new, democratic era was at hand. The call for the reform of Parliament had served, at least since the period of economic distress after 1815, as a symbol of popular aspirations against the entrenchment of the old, feudal order in

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[56] Patronage Report, 28, 102, 254, 278; Mathieson, iv, 289.

[57] Gash, Age of Peel, 34-50; Pryde, New History, ii, 194; Mathieson, iv, 5, 190, 208-209. For a stimulating "revisionist" treatment see W. Ferguson, "The Reform Act (Scotland) of 1832: intention and effect," SHR, xlv (1966), 105-114.

Scotland.[58] The legislation of 1832 brought a sense of relief and success. To this may be added the effect of the Burgh Reform Acts of 1833.[59] Henry Cockburn, at that time Solicitor-General in the Whig government, later wrote that

> The Reform Act had broken down the dam that used to keep back the stream of legislative improvement. The obstacle was no sooner removed, than grievances, all said, however old, to require instant correction, started up in every corner....[60]

Among the grievances he mentions church patronage.

The success of Parliamentary reform multiplied the hopes of those who sought patronage reform. They had long desired the former for the good it could do the latter.[61] This political improvement encouraged them to be bold for the patronage cause. The society warned patrons that "the carrying of the Reform Bill...places your usurped and corrupt right of property in great peril." "Listen, churchmongers," the society continued, "make terms with the people

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[58]See for example Report of the Meeting...Kilbarchan ...1816.... (1817); Account of...The Public Meeting... Kilmarnock...1816.... (1816); Proceedings of a Meeting... Kirkcaldy...1816 (1816).

[59]Mathieson, iv, 170-176, 225-226.

[60]Cockburn, Jeffrey, 335; see also A. V. Dicey, Lectures on the Relation Between Law & Public Opinion in England during the Nineteenth Century (1914), 313 and Patronage Report, 281.

[61]ECI, xxv (January 1826), 76, xxx (October 1831), 679; 3 PAMAA (1828), 8; CPR, 8 (January 1831), 24; 6 PAMAA (1831), 7-8.

while you may!"[62] Most importantly the society and its friends expected that a new, representative Parliament would prove responsive to their demand for patronage reform.[63]

A number of the proponents of patronage reform especially argued that, if the people were to elect their magistrates and Members of Parliament, by analogy they ought to have the right to elect their ministers.[64] Thomas M'Crie, the leading seceder and friend of the society, argued that the right the old exclusive Parliamentary electorate had just lost was the same type of right that patrons held.[65] He further claimed that the two kinds of choice were similar because both situations should involve a bond of consent between the choosers and the chosen.[66] David Welsh, the Edinburgh Professor of Ecclesiastical History, also thought the cases analogous. He added, however, that, if there were any difference, the people knew far more about the truths of religion than "the general principles of legislation."[67]

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[62] CPR, 11 (August 1832), 1.

[63] [M'Crie], Present Crisis, 4; CPR, 14 (January 1833), 9, 15 (February 1833), 9; Patronage Report, 28, 381; Mathieson, iv, 283.

[64] CPR, 18 (January 1834), 5-6; see also ECI, xxiv (January 1825), 44-45.

[65] [M'Crie], Present Crisis, 4, 26-27.

[66] Patronage Report, 385.

[67] Ibid., 246-247.

Others added that the people of Scotland were more interested in the concerns of the church than in those of the state. Had they to choose between the two rights, they would prefer to select their pastors rather than their political leaders.[68]

Opponents of the patronage society attacked as fallacious the analogy between the selection of ministers and the selection of legislators.[69] Evangelical Lord Moncreiff and Moderate advocate Robert Whigham agreed that, because popular choice had no place in the church, this false interpretation by analogy was a pernicious influence.[70]

In the midst of the optimism produced by Parliamentary reform the patronage society sounded a warning to its followers. The reform of Parliament, cautioned the leaders, would not automatically bring redress of the patronage grievance. Many who fought for reform in the state cared nothing for reform in the church. The society realized that the accomplishment of its goals required a great surge of effort. Thanks to the success of Parliamentary reform, however, the

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[68]CPR, 18 (January 1834), 12; 6 PAMAA (1831), 8; ECI, xxiv (September 1825), 579-580. See also Anon., What Is the Popular Party to Do?, 1-2; Craig, Scottish Literature, 82; Clark, Rights of Members, 12.

[69]Anon., Question of Church Patronage, 20.

[70]Debate anent Calls 1832, 65; Patronage Report, 215.

society believed that the time was ripe for a massive petitioning to the national legislature.[71]

The society's petition was for the abolition of patronage--the repeal of the Act of Anne and the placing of pastoral appointment on a popular basis. The abandonment of "improvement" and the adoption of abolition, while immediately precipitated by the passage of Parliamentary reform, was no sudden change. Various leaders of the society had been suggesting since 1828 the possibility of an approach to Parliament. They noted the force and success of such movements as slavery abolition and Catholic emancipation. They also noted the general proclivity of many in Parliament to consider church reform for England and Ireland.[72] The Church Patronage Reporter exclaimed in October 1829, "oh for a Scottish and a Protestant O'Connell among us!"[73] With the advent of the Whigs and the accession of William in 1830, supporters of the society believed the chances of patronage reform through Parliament had greatly improved.[74]

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[71] 6 PAMAA (1831), 8; Debate anent Calls 1832, 10; CPR, 9 (May 1832), 5, 10 (June 1832), 4, 13 (October 1832), 4.

[72] 3 PAMAA (1828), 9, 10, 15, 17-18; 5 PAMAA (1830), 11-12; RDPS, 3 PAMPS (1829), 7; CPR, 4 (October 1829), 1.

[73] CPR, 4 (October 1829), 1.

[74] 6 PAMAA (1831), 7, 9; CPR, 9 (May 1832), 15.

Certainly reform through "improvement" and the purchase plan had proved to be far from a great success. Arousing public support, especially for buying patronages for the society, had always been difficult, and the society itself never gained many members.[75] The Reverend John Cook, nephew of the Moderate leader, thus mocked the society in 1832:

> Here then we have a test to show what the feelings of the people have been in regard to the present system; and let me ask if the multitudes that take an interest in...this society, if its numerous branches, if the enormous funds it has collected, and the number of patronages it has bought, speak to us in terms that cannot but be heard and understood of a universal and vehement desire for a remodeling of our system? I believe that society has more the appearance of decay than of active vigour....[76]

It was true enough that, at least since Thomson's death, the society had declined.

In order to reverse this trend, and to accomplish its general goal of patronage reform, the society therefore turned to a campaign for abolition. At the very time of the General Assembly of May 1832, to which John Cook addressed his attack on the society, that organization's directors publicly acknowledged the weakness of their original "improving" approach. This admission they made to the annual

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[75] ECI, xxv (December 1826), 896, xxxi (November 1832), 759; Evangelical Magazine and Missionary Chronicle, new series, vii (February 1829), 71; 3 PAMPS (1829), 20-21; Patronage Report, 139; supra, chapter nine.

[76] Debate anent Calls 1832, 26.

meeting of the society that met during the Assembly.[77] With the passage of Parliamentary reform the public became even more reluctant to contribute to funds for the purchase of patronages. Now, they believed, popular rights could be secured by legislation. In January 1833 the society's directors dropped the purchase plan, except for the effort to pay the Colinton debt, and adopted as its newsprogram the campaign for abolition.[78] The leaders, indeed, acknowledged that the abolition of patronage had from the first been their real object.[79]

At this point the society gave some consideration to compensation for patrons when their right should be abolished. Some supporters of abolition thought that there was no need to compensate patrons. Parliamentary electors of the old régime they pointed out, got nothing on the great widening of that franchise. Thomson, it seems, had thought on the other hand that patrons ought to receive some compensation for the loss of their rights. The society, at least in January 1833, accepted that view, which was not intended, however, to include the Crown. Individuals, the society

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[77] CPR, 10 (June 1832), 1, 2, 12.

[78] [M'Crie], Present Crisis, 4-5; CPR, 13 (October 1832), 4-5, 14 (January 1833), 3-4, 19; Patronage Report, 156; Mathieson, iv, 289.

[79] CPR, 15 (February 1833), 5, 18 (January 1834), 1.

thought, could be paid perhaps £300 or an amount set by a jury, the sum to be raised by the parish. Later the society seems to have avoided the question of compensation.[80]

Although the organization was then somewhat uncertain about exactly who should have the popular right of appointment after the abolition of patronage,[81] the society's new campaign for a radical change won considerable public support.[82] Many who previously had withheld backing for the unpromising purchase plan, now joined the movement for patronage abolition.[83]

On the other hand the majority of the clergy opposed abolition. The Moderates, who constituted about half, stood solidly against the proposal. So too did many Evangelical ministers. While the society's change of direction moved some Evangelical clergy from neutrality toward the organization to active support for it, the change drove others from neutrality to opposition.[84] Among the latter was Thomas

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[80] 4 PAMPS (1829), 15; CPR, 10 (June 1832), 8, 11 (August 1832), 1-2, 13 (October 1832), 3, 14 (January 1833), 14; ECI, xxix (December 1830), 805; Patronage Report, 203; Mathieson, iv, 223.

[81] CPR, 11 (August 1832), 1, 14 (January 1833), 14.

[82] Patronage Report, 247; Hanna, Chalmers, iii, 349; infra, chapter eleven.

[83] CPR, 15 (February 1833), 8, 17 (December 1833), 12, 18 (January 1834), 1-2.

[84] Mathieson, iv, 289-290; Patronage Report, 196-197; see also infra, chapter twelve.

Chalmers, Thomson's successor as leader of the Evangelical party.[85]

While Chalmers succeeded Thomson as leader of the Evangelicals in the Church of Scotland, George Sinclair took over Thomson's leadership of the patronage society. At the organization's eighth annual meeting in October 1832, three months before the official change to a policy of abolition, Sinclair became president.[86] He replaced James Douglas of Cavers, who had been only a figurehead. From the presidency Sinclair led the society as Thomson had from his director's seat and editorial chair. Sinclair remained the preëminent leader until the society's demise somewhat over two years later.[87]

In George Sinclair (1790-1868) the society had a leader who enjoyed a prominent position both in Scotland and in London. Heir to a baronet who was one of Scotland's leading citizens, the Younger of Ulbster was himself a Member of Parliament. He had been returned for Caithness in May 1831 after ten years out of the house. A Whig, he had close friends among important people both in and out of politics. These included King William, Charles X of France (then living in the Palace of Holyroodhouse), Carlyle, Peel,

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[85]Hanna, Chalmers, iii, 350-354.

[86]CPR, 13 (October 1832), 21-22.

[87]CPR, 19 (December 1834), 5.

Disraeli, Sir Francis Burdett, John Wilson Croker, and Lords Aberdeen and Stanley. Much admired for his eloquence and intellect, Sinclair was one of the leading backbenchers in the House of Commons. A good linguist and a prolific writer, he loved learning and while a Member of Parliament even attended lectures at the University of Edinburgh. He was an individual of pleasing personality. Happy and humorous, he treated everyone as an equal and liked all manner of people. He had an enormous sympathy for the plight of the poor.[88]

Religiously George Sinclair was an ideal leader for the society, for he was the very model of an Evangelical gentleman. Originally a Moderate, he fell under the sway of Andrew Thomson at St. George's, Edinburgh. An elder there and at Thurso, Sinclair sat often in General Assembly. He promoted the careers of various aspiring evangelical clergymen, not only in the Church of Scotland, but also in the Churches of Ireland and England. He had many friends in the latter, from bishops to curates, including Charles Simeon, the notable evangelical leader. A popular religious speaker himself, the Younger of Ulbster lived the life he advocated. As regular as a monk in the household prayers of the day, he

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[88]James Grant, Memoirs of Sir George Sinclair, Bart. of Ulbster (1870), passim; Thurso East MSS., five volumes of letters, passim; DNB, xviii, 295-296; Frederic Boase, Modern English Biography (1892-1921), iii, 587-588; Cockburn, Affairs, 386; Patronage Report, 197, 202, 293; ECI, xxv (December 1826), 896, 900-902.

also delighted in public worship, often taking shorthand notes of sermons. Particularly after he retired from Parliament in 1841 he devoted long hours to visiting the sick, the dying, the lonely and the poor of the Thurso district. The pleasant memory of his life of charity persists in the area.[89]

Despite all his assets, however, George Sinclair simply could not fill Thomson's place as leader. Andrew Thomson had a full measure of charisma, that magnetism that draws people to follow. Sinclair certainly had some measure of charismatic qualities, but not to the same degree as his predecessor. Importantly too, Sinclair lacked the charisma of office that he could have gained only by ordination. There was then in Scotland an authority that the pulpit alone could confer, that Thomson, Irving, and Chalmers, and to some degree every minister, possessed. A layman could never attain it. It is hard to imagine an effective Wilberforce in priestly Scotland.[90] Moreover, as a rather

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[89]References in previous note; Caithness Presbytery, passim; SRO, Thurso Session Book, 1782-1833, passim; interview with Mrs. Kitty Gunn, 5 Durness Street, Thurso, May 1963 (96 years of age in 1963, Mrs. Gunn had been personal maid to George Sinclair's eldest son, Sir Tollemache; her aunt had been cook to both Sir George and his father, Sir John, the first baronet.)

[90]I owe these conclusions on the rôle of charisma to discussions with my colleague, R. W. Miller, Assistant Professor of Social Science in Carthage College.

independent backbencher, George Sinclair was not in the best position to push abolition in Parliament.[91]

The abolition campaign of the patronage society has to be considered along with the contemporaneous voluntary movement, for these two aspects of this period of change interacted one upon another. The voluntary movement sought the disestablishment of the Church of Scotland, the reduction of the kirk to the status of a denomination supported only by voluntary contributions. Calvinist Scotland traditionally had supported the principle of establishment, spurning the Radical Reformation's alternate possibility. In the eighteenth century, however, there had been some suggestions of voluntaryism, notably from three Glasgow University Enlightenment thinkers, Francis Hutcheson, Adam Smith, and John Millar. Since the era of the French Revolution the idea had been gaining adherents among some of the seceders, albeit in rather quiet fashion.[92]

The voluntary controversy began in earnest in April 1829 as the result of a sermon against establishments preached by Andrew Marshall, clergyman of the United Associate Synod of the Secession Church, the largest of the sects.

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[91]See especially Thurso East MSS., volume of letters from Joseph Hume, Hume to Sinclair, 15 November 1823, and infra, chapter eleven.

[92]Cunningham, Church History, ii, 448-450; Mathieson, iv, 234-238; Smith, Wealth of Nations, ii, 273; Lehmann, Millar, 81; [M'Crie], Present Crisis, 34-35.

Actually that denomination ("New Licht") had for some time espoused the voluntary principle, but the matter had not previously attracted public attention. Marshall attacked establishments because he feared that Roman Catholic emancipation would lead to an established papist church in Ireland. His sermon, setting forth many arguments against establishments, circulated widely in pamphlet form and won many to the voluntary point of view. In time many "seceders" became "dissenters," preferring the latter term and earning it by this divorce from one of the fundamental principles of the Church of Scotland. In September 1832 the voluntaries established the Voluntary Church Association to promote their cause. The Synod of Relief went over to that camp. Only the smaller presbyterian sects remained true to their seceder heritage. Soon too, even a number of individuals in the kirk itself began to advocate its disestablishment. The voluntary movement grew to large proportions.[93]

How large is difficult to estimate. Some maintained that not even the majority of presbyterians outside the Church of Scotland were voluntaries, while others claimed

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[93]Burleigh, Church History, 325-326; John M'Kerrow, History of the Secession Church (two vols., 1839), ii, 474-493; Mathieson, iv, 59-60, 282-288; Patronage Report, 162-163, 191, 333; Debate anent Calls 1832, 2; Cockburn, Affairs of Scotland, 502.

the majority were.[94] Public opinion in 1835 is somewhat reflected in the ratio of nineteen petitions for continued establishment of the kirk, to every eight for disestablishment, presented that year to the House of Commons.[95]

Although the Moderate leader, George Cook, tended to dismiss voluntaryism as only a passing annoyance,[96] others took this threat seriously and sprang to the defense of the establishment principle. In the Edinburgh Christian Instructor for August 1829 Andrew Thomson published a long and spirited review of Marshall's sermon, refuting its every point. Thomas Chalmers, John Inglis, who was Cook's predecessor in the Moderate leadership, and many others, including some seceders, contributed their sermons and pamphlets to the antidisestablishmentarian defense.[97] Inglis was polite and restrained, while Chalmers called the voluntaries "private adventurers," and young William Cunningham, Evangelical Minister of Trinity College Church, Edinburgh,

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[94]See for example Public Meetings 1833, 2 and Patronage Report, 333.

[95]Reports from the Committee on Public Petitions of the House of Commons, 1835, Index, pp. v-x.

[96]Patronage Report, 332-333.

[97]M'Kerrow, Secession Church, ii, 474-497; Burleigh, Church History, 325-326; Cunningham, Church History, ii, 449-452; Hanna, Chalmers, iii, 266-267, 393; Patronage Report, 96-97; Anon., Edinburgh Proposals, 43-45; Patronage and Calls, 5.

accused "an apostate and perjured Secession" of joining in their mischief with "desperadoes in religion of every name."[98] In like vein the Moderate Principal Macfarlan of Glasgow told the Assembly of 1832 that

> religious establishments, (and ours amongst the rest) are assailed with an inveteracy seldom before exhibited...the most discordant, of papists and dissenters, of fanatics and infidels, leagued in monstrous and unnatural coalition to bring about their downfall and destruction. This...called loudly on all the friends of...our venerable establishment to range themselves in one united phalanx...in her defence.[99]

In calling for a "united phalanx" in the church, Macfarlan, his fellow Moderates, and a number of Evangelicals accused the anti-patronage movement of causing disunion and abetting voluntaryism. What was needed, they alleged, was to give the kirk greater harmony and a better image by ceasing to clamor for its reform. The agitation for the abolition of patronage played right into the hands of the voluntaries. Lord Moncreiff stated this emphatically, pointing out that patronage was of the essence of an establishment, crucial to its continuance. Well-intentioned as the proponents of patronage abolition might be, he held them equal with the voluntaries, if unwittingly so, as enemies to

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[98]Mathieson, iv, 286-287.

[99]Debate anent Calls 1832, 50.

the Church of Scotland.[100]

In a directly opposite interpretation of the situation, the patronage society maintained that the abolition of patronage would be the best defense against disestablishmentarianism. The society hated the voluntary principle as much as anyone. It termed the movement a "rude and irreverent" undertaking, a "pestilence," the work "of an impious and infidel faction."[101] The society warned, however, that the evil would grow if the kirk did not purify itself by dealing with the great grievance of patronage.[102] For its very survival the Church of Scotland needed to "brush away the rubbish which the lapse of ages has gathered around" its "venerable fabric."[103] James Ewing, Member of Parliament for Glasgow and friend of the society, put its case to an audience in these words:

> The question...is not now, whether we should have a reformed or an unreformed church, but whether we should have a reformed church, or no church at all. (Cheers.) The decayed stones of the fabric must be replaced to preserve it from downfall--the rotten branches of the tree must be lopped off, to save it

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[100] Ibid., 39, 46; Patronage Report, 185, 189, 201, 282, 433; Cockburn, Journal, i, 58-59; Patronage and Calls, 5-6; supra, chapter four.

[101] CPR, 10 (June 1832), 2, 21, 11 (August 1832), 1.

[102] Ibid.; Patronage Report, 97, 279-281.

[103] CPR, 9 (May 1832), 3.

from decay, and to infuse new sap and fresh vigour into its stem. (Immense cheering.)[104]

Voluntaryism, asserted the society, fed on the continued existence of patronage. Some seceders had become tired of waiting for the establishment to reform itself and had decided to seek its disestablishment. If Moderates and Evangelicals such as Lord Moncreiff were right in asserting that patronage was of the essence of establishment, all the easier would be the enemy's work for the victory of voluntaryism. To do away with patronage, therefore, would be to destroy one of the principal weapons of the disestablishmentarian cause.[105] "There is nothing," said Thomas M'Crie, the great seceder leader who remained faithful to the ideal of establishment, "that the voluntaries dread more than the abolition of patronage."[106] Patronage, added Michael Willis, seceder clergyman of like outlook, was at the very root of the voluntary movement.[107]

Did the voluntaries oppose the abolition of patronage? Lord Moncreiff thought that while that may have been their

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[104] Public Meetings 1833, 2.

[105] Debate anent Calls 1832, 20; Patronage Report, 282-283, 368-369; Cunningham, Church History, ii, 453; see also Robert Gaston Hall, "Archibald Bruce of Whitburn (1746-1816), With Special Reference to His View of Church and State" (Ph.D. dissertation, University of Edinburgh, 1954), 222.

[106] Patronage Report, 390.

[107] Ibid., 162.

public posture, privately they welcomed the attempt to abolish patronage because that attempt divided and weakened the establishment.[108] The patronage society and its supporters, on the other hand, believed the voluntaries' opposition genuine.[109] Or more accurately, the society was aware of two types of voluntaries. The one was the hard-core, radical, and occasionally republican, opponent of establishments, who welcomed the continuance of weaknesses in the church and certainly considered patronage a weakness.[110] The other type was the seceder who had come to voluntaryism, not out of great enthusiasm for the principle, but from a feeling that the kirk would never purge itself of the patronage evil. This second type saw no hope of reunion with the Scottish establishment and saw no reason why one group of presbyterians should retain the advantage over all other Christians of being supported by the nation as its establishment. Those in the church who opposed the abolition of patronage concluded that voluntaries of the second type were as much beyond reunion with the establishment as were the first. The patronage society, however, believed that a

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[108] Ibid., 205.

[109] CPR, 10 (June 1832), 2, 13 (October 1832), 18; [M'Crie], Present Crisis, 38; Patronage Report, 147, 390.

[110] See for example ?, "Church Reform," Chapter III of a pamphlet in New College Library, Edinburgh, the rest of which, including title page, could not be found, 50.

purified establishment would move many of this second type to return.[111]

The patronage society thus claimed that the abolition of patronage would contribute significantly to the anti-disestablishmentarian cause. It would not only curb the growth of dissent by strengthening the kirk, but would bring many seceders back to mother church. Abolition, by strengthening the kirk, would also protect the state from the potential disaster of losing the great benefit of an ecclesiastical establishment. Further, the society asserted that strengthening the Church of Scotland--making it a model, pure establishment--could help the cause of establishments in general and the much-attacked Church of England and Church of Ireland in particular.[112] The wide reaction against the voluntary movement in Scotland showed the considerable strength of the traditional attachment to establishment. Undoubtedly there is much to the conclusion of William Law Mathieson, the early-twentieth-century historian, that "nothing...gave so great an impetus" to the campaign to abolish patronage as did Scotland's attempt to meet the challenge of the voluntaries.[113]

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[111] Patronage Report, 130, 257, 266.

[112] CPR, 8 (January 1831), 15, 10 (June 1832), 2; Patronage Report, 279.

[113] Mathieson, iv, 288-289.

CHAPTER XI

THE APPROACH TO PARLIAMENT

During 1833 and the first half of 1834 the anti-patronage society unsuccessfully sought to persuade Parliament to abolish church patronage in Scotland. The society wanted popular appointment, such as selection by male communicants, to replace presentation by patrons. In its campaign for abolition the organization persuaded an impressive number of people to petition Parliament for that purpose. The Whig government, however, chose to take no action. The most that George Sinclair, leader of the anti-patronage forces in Scotland and at Westminster, could obtain was the appointment of a House of Commons select committee on the subject. This inquiry, which he headed, heard the views of a wide spectrum of witnesses, representative of most of Scotland. Before the committee published a report, however, the General Assembly of 1834 had moved to reform church patronage, by a compromise measure that saved the institution from abolition.

The idea of petitioning Parliament to relieve Scotland of the "evil" of church patronage had been growing for some time. A number of the supporters of the society in fact had

been suggesting this tactic since its early years.[1] Early in 1826 a writer to the Edinburgh Christian Instructor had reminded fellow partisans of patronage reform that it was "one great advantage of our happy constitution, that all gross and oppressive grievances may be redressed by a general...application to Parliament...."[2] Another friend of the cause had advised that petitioning "by one simultaneous movement" would "make the table of the House of Commons to groan" and would free the nation "from the yoke of patronage."[3] From its foundation the Aberdeen anxiliary had espoused total abolition, and quite early had suggested massive petitioning to Parliament.[4] George Sinclair, at least as early as 1826, had thought that the problem would eventually require a legislative solution.[5] In establishing auxiliary societies James Bridges had had in mind, among other advantages, the potential use of those branches in petitioning Parliament.[6]

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[1] ECI, xxv (August 1826), 532, xxvi (December 1827), 820, xxvii (June 1828), 441, xxviii (August 1829), 544; 3 PAMAA (1828), 9; 4 PAMPS (1829), 4.

[2] ECI, xxv (March 1826).

[3] 3 PAMPS (1828), 17.

[4] ECI, xxv (May 1826), 354; 3 PAMAA (1828), 11.

[5] ECI, xxv (December 1826), 900, 902.

[6] 3 PAMAA (1828), 15.

In its early years--the late 1820's--the society realized, however, that the times were not ripe for such a move. The government, the society's leaders surmised, was largely indifferent to Scotland and its ecclesiastical affairs.[7]

It was in the early 1830's, with the change of political climate, that the national society launched its campaign of massive petitioning to Parliament. This was partly because of pressure by auxiliaries. In May 1830 the Lesmahago, Lanarkshire, auxiliary anti-patronage society, acting independently, sent to the House of Commons the first petition for abolition.[8] The Church Patronage Reporter congratulated Lesmahago on its action[9] and a number of other branch organizations urged the parent society to lead the whole country in petitioning.[10] The Reporter responded in its August 1832 number with a call to every parish to send petitions to Parliament (one to the Lords and one to the Commons) praying that the right of choosing pastors be taken from patrons and given to male communicants. The editor of

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[7]ECI, xxiv (February 1825), 122, xxv (December 1826), 909, xxvi (June 1827), 434.

[8]CPR, 6 (June 1830), 1-2, 8 (January 1831), 25, 9 (May 1832), 13.

[9]CPR, 6 (June 1830), 1-2.

[10]CPR, 5 (May 1830), 4-5, 8 (January 1831), 21, 23-24, 9 (May 1832), 6, 9; 6 PAMAA (1831), 9.

the society's publication concluded that Parliamentary action was "the only remedy."[11] In October 1832 at its eighth annual meeting the organization laid aside its purchase plan in favor of petitioning. On 3 January 1833 the society's directors officially opened the intensive campaign to inundate Parliament with petitions for abolition.[12]

There was good precedent for and considerable advantage in the tactic of petitioning. Petitioning Parliament had begun to take on importance as a political tool in the late eighteenth century.[13] Among other groups with various interests, the small Glasgow anti-patronage committee of 1788 had sent Parliament a few petitions.[14] More recently supporters of various movements had employed massive petitioning. Slavery abolition, Roman Catholic emancipation, and Parliamentary and burgh reform all owed some of their success to this approach.[15] Petitions had an effect not

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[11] CPR, 11 (August 1832), 1-3.

[12] CPR, 13 (October 1832), 4-5, 14 (January 1833), 19.

[13] Peter Fraser, "Public Petitioning and Parliament before 1832," History, xlvi (October 1961), 195, 200-203, 207.

[14] ECI, xxx (January 1831), 43-49; CPR, 8 (January 1831), 17-18.

[15] Fraser, "Public Petitioning," 208-209; Mathieson, iv, 168, 190-191, 210; 3 PAMAA (1828), 9-10; ECI, xxx (January 1831), 43-49.

only on Parliament, but also on the public. If enough petitions were sent in support of a cause, it could be kept before the legislature, and hence the nation, for a prolonged time. Presented petitions encouraged further petitions. The method was indeed at that time about the best way of agitating for action.[16] Members of the House of Commons who supported the society's aims stressed to it the great necessity of petitioning.[17]

The national society led the way not only by urging petitioning, but by advising how it ought to be done. It did not want to dictate a uniform language, but rather urged that parishes whenever possible should refer to local instances of the evils of the status quo, such as forced intrusions. It also saw in this nascently democratic age an advantage in having the grievance stated "in the people's own way." It did recommend, however, that petitioners, as the essence of their prayer, request "that parliament will be pleased to consider the subject, and remedy the evil." The society did not want petitions to be too specific, to seek to limit the legislature too closely. It also suggested that parishes of which the Crown was the patron might ask for a voluntary surrender of those patronages to the people.

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[16]Fraser, "Public Petitioning," 209; CPR, 11 (August 1832), 3.

[17]CPR, 18 (January 1834), 2.

The society warned that "half the battle" was to send petitions to members of Parliament who would make maximum use of them. The organization recommended, in addition of course to George Sinclair, Andrew Johnston and Sir Andrew Agnew in the lower house and the Earl of Roden, an Irish evangelical, in the upper.[18]

King William expected to open Parliament, with the first reformed House of Commons, late in January 1833. In that month therefore the anti-patronage society launched its drive for abolition. A rally in Edinburgh to promote the petitioning campaign, originally scheduled for 14 January, was postponed because of Sinclair's schedule until the 30th of the month. This special meeting in the Assembly Rooms in George Street heard a number of speeches, notably by Sinclair and Thomas M'Crie, the vastly respected seceder leader. Sinclair conjured up the shade of Thomson to sanction the push for abolition and the Edinburgh petition was then read to the gathering.[19] In the weeks that followed similar rallies launched abolition petitions in various

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[18]CPR, 5 (May 1830), 4-5, 8 (January 1831), 25, 11 (August 1832), 2-3, 13 (October 1832), 5, 24, 15 (February 1833), 22, 18 (January 1834), 14; ECI, xxxi (November 1832), 759.

[19]CPR, 14 (January 1833), 19, 15 (February 1833), especially 5. For the use of public meetings in petitioning see Fraser, "Public Petitioning," passim.

other places. At least one such meeting, at Greenock, enjoyed the backing of the magistrates themselves.[20] Whether sponsored by officials, auxiliaries, ad hoc groups, or individuals, petitions began to gather signatures in many towns and parishes. Besides the general public, a few presbyteries and seceder bodies also sent in additional petitions.[21]

When Parliament opened in 1833 the anti-patronage society had strong hopes of success for its cause. Many of the new constituents had impressed their anti-patronage views on the candidates, and a few members went to Westminster pledged to remedy the grievance. Among its friends in the 1833 House of Commons, the society numbered, besides its president, at least half a dozen other members.[22]

The small Scottish element in the Whig government was alarmed over the patronage agitation, but at a loss for a

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[20] CPR, 15 (February 1833), 20.

[21] Patronage Report, 164; Caithness Presbytery, 234-235, 258-259; see also CPR, 12 (September 1832), 2.

[22] Edinburgh Proposals, 44; CPR, 11 (August 1832), 1, 13 (October 1832), 19, 14 (January 1833), 4, 13-14, 16 (September 1833), 2; Public Meetings 1833, p. i. The masses of the people still were not the Parliamentary electors, and even where public opinion might favor the abolition of church patronage, a candidate who defended the institution could be elected (William Ferguson, "A Renfrewshire Election Account, 1832," Miscellany of the Scottish History Society, x (1965), 217-219).

solution to the problem. Henry Cockburn, who as Solicitor-General headed government business at Edinburgh, wrote on 18 January to Thomas Francis Kennedy of Dunure, member for Ayr burghs and junior Lord of the Treasury, of

> the obviously coming crisis of the Scotch church; neither the poverty nor the supposed popularity of which can save it from discussion,--perhaps from concussion. You will have Patronage debated in your House this Session; a question which involves nearly the whole future history and fate of the Church, established or not. I can find nobody with any rational definite views as to the course that ought to be pursued....there are thousands of our own best friends who insist on patronage being put down, but no two of whom agree as to what is to be put up....Then there are as many, equally as well disposed [to the government], who are turned into enemies at once by the idea of touching patronage. How we are to deal with these discordant elements, I don't know....A short while ago, some easy measure to check the abuse of patronage might have done; but I doubt if it will do now.[23]

On 28 January Cockburn informed Kennedy of the impending "public meeting here...of the Anti-patronage people. That question terrifies me; particularly in reference to future elections."[24] Shortly after the meeting, when Francis Jeffrey, Lord Advocate and head of the Scottish section of the ministry, was in Edinburgh, the society's directors met with him to press their case; but he could give them no answer.[25]

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[23]Cockburn, Affairs of Scotland, 449-450.

[24]Ibid., 451.

[25]CPR, 15 (February 1833), 21-22.

As the session wore on and petitions poured in, the government sought to find a suitable course of action. In February Charles Grant of Glenelg, a Scottish member of the cabinet, approached the leader of the Evangelical party, Thomas Chalmers, for his advice on the subject. What type of bill would solve the problem? Grant asked Chalmers. The latter replied that he thought a committee of inquiry, an idea Jeffrey had rejected, might have been of value. Beyond that he deprecated "any precipitate legislation." He affirmed the need for some reform, but offered no specific suggestions. Chalmers included in his reply to Grant a promise to study the matter during April, when he would be free of preparing his university lectures.[26]

Late in February the government promised to bring in a bill, without disclosing what it would be.[27] Whatever the tentative bill's content (possibly giving Crown patronages to parishes[28]), the Scotch Whig leadership never brought it forward. In April Chalmers decided that he would seek redress of the patronage grievance through the General Assembly. The government, glad not to have to take the initiative, thereafter looked to ecclesiastical action for remedy of the

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[26]Hanna, Chalmers, iii, 350-351.

[27]Cockburn, Affairs of Scotland, 454, 456.

[28]Brown, Letter to Chalmers, 3; see also CPR, 15 (February 1833), 22.

situation.[29]

That a large segment of the Scottish public had hoped that the Westminster government would attempt to solve the patronage problem is evident from the impressive response to the society's call for petitions to Parliament.[30] The 1833 session lasted from late January to late August and was notable for the presentation of an enormous number of petitions on various subjects. Over 5,000 petitions to the House of Commons, with over 1,300,000 signatures, prayed for the abolition of slavery.[31] Just under 1,200 to the lower house, with over 277,000 signatures, sought the better observance of the Sabbath.[32] Third in number after the slavery and Sabbath petitions came 160 against Scottish church patronage, with just under 70,000 signatures. The first two types of petition, however, came from throughout the United Kingdom, which had a population of about eighteen millions, whereas the anti-patronage petitions all originated in Scotland, the population of which was less than two

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[29]Hanna, Chalmers, iii, 351ff.; CPR, 16 (September 1833), 2; see also Cockburn, Affairs of Scotland, 468.

[30]Hanna, Chalmers, iii, 349.

[31]Forty-second Report from the Select Committee on Public Petitions of the House of Commons (hereafter 42 (etc.) RPPHC) (1833), 1598.

[32]42 RPPHC (1833), 1597.

and a half millions.[33]

In addition, the House of Lords received in 1833 at least eighty-five petitions seeking redress of the Scottish church patronage grievance.[34] The number of signatures on these cannot be ascertained because the 1834 fire that burned the Palace of Westminster destroyed the originals. One might guess, however, that they contained something over 35,000. Undoubtedly one reason for the larger number of petitions presented to the lower than to the upper house was the reluctance of many Scots as good Presbyterians to subscribe petitions addressed in the necessary legal language to "the Lords Spiritual...."[35]

Most petitions came from areas where the society had auxiliaries. Over a quarter originated in Dr. Kidd's country, the northeast and especially Aberdeenshire. The Clyde Valley sent in about another quarter of the total. Every parish of Caithness responded to the society's call. On the other hand, few petitions came from the southeast, the area south of the Forth and east of Lanark, where the society had established almost no branches.[36]

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[33] Ibid.; CPR, 16 (September 1833), 2; Public Meetings 1833, p. 1.

[34] 3 Hansard, xv-xx (1833), passim.

[35] Cockburn, Memorials, 282-283.

[36] Index to RPPHC, 1833, pp. iv-v; 3 Hansard, xv-xx (1833), passim.

Although phrased in a variety of ways, most of these 1833 petitions were remarkably similar in their spirit and their objectives.[37] All carried denunciations of patronage. Most displayed an irenic impulse prominent in their authors' motivations. Typically, 456 inhabitants of Lochwinnoch, Renfrewshire, declared their anguish at the fact that patronage had "caused a large body of pious and valuable men to separate from...[the church's] bosom."[38] A number of petitions contained the argument that patronage violated Scripture. A number claimed that the kirk needed to be purified to save it as the establishment. Thus the clergy and elders of the city of Perth declared to the legislature that "Patronage, which has so long been a blot upon the Church of Scotland, should be abolished" because many people "at the present time...are so sedulously making to bring Church Establishments into contempt."[39]

Almost all petitioners sought abolition, that is, repeal of the Act of Anne in favor of a popular mode of choice. A few, such as the folk of Port Glasgow and Newark, proclaimed election to be "the sacred and unalienable right of

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[37] 1-40 RPPHC (1833), passim; 3 Hansard, xv-xx (1833), passim.

[38] 28 RPPHC (1833), 1095.

[39] 10 RPPHC (1833), 300.

a Christian people."[40] Many wanted male communicants to choose ministers. Others suggested the right be given to communicant, male heads of families. In any case the vast majority of petitioners prayed Parliament to take the right of appointment from patrons and vest it, in one way or another, in the people.

With the government's failure to grant the prayer of this mounting volume of petitions, George Sinclair himself on 16 July 1833 moved in the House of Commons for leave to introduce a bill. He wanted, he said,

> to bring in a Bill for emancipating the Church of Scotland from the thraldom of patronage which had so long deformed its beauty, impaired its usefulness, and grieved the hearts and consciences of its most attached and zealous friends.[41]

Because the session was nearing its end, Sinclair really did not expect Parliament to enact his bill, but he felt an obligation to his many supporters in Scotland to see that the matter got some attention.[42]

Others in the house had actually contemplated taking action before Sinclair introduced his motion. Horatio Ross (Montrose burghs), better known as one of the century's most remarkable sportsmen than as a politician,[43] had announced

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[40] 6 RPPHC (1833), 139.

[41] 3 Hansard, xix (1833), 704-705.

[42] Ibid., 705.

[43] DNB, xvii, 264-265.

his intention to introduce legislation to abolish patronage on the very first day of the session. He had deferred, however, to Sinclair.[44] John Campbell Colquhoun (Dumbartonshire), had wanted to bring in a bill too, but Jeffrey, the Lord Advocate, had persuaded him in April to postpone the matter.[45] The Scotch members interested in abolishing patronage had come to agree among themselves to wait until after the annual meeting of the General Assembly in May before moving in the matter. They were hopeful that by then government would realize how necessary a Parliamentary solution was.[46]

When therefore General Assembly showed no sign of being close to calling for the abolition of patronage and the government still failed to move, Sinclair put the anti-patronage case to the house. Needless to say, as with so much Scottish business since 1707, he faced a very small house, late at night. He said that restoration of the efficacy of the call, that is to say, the right of the parishioners to confirm the patron's choice, would not satisfy the people of Scotland. Enforcement of the call was the remedy advocated by Evangelicals like Chalmers and Moncreiff. They

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[44]3 Hansard, xix (1833), 705-707.

[45]Cockburn, Affairs of Scotland, 468; for Colquhoun see Frederic Boase, Modern English Biography, (1892-1921), i, 686.

[46]3 Hansard, xix (1833), 705.

proposed that this be accomplished by giving communicant heads of families the power to veto presentations. As will be seen in the following chapter, the Assembly of 1833 had defeated their proposal, but that of 1834 was to adopt it.

In his July 1833 speech Sinclair urged that the Act of Anne be abolished two years after the passage of an act to that effect. In the meantime, he said, the General Assembly, if necessary with Parliament's assistance, could devise a new system of appointment that would give the choice of ministers to the communicants. Mentioning some of the usual arguments, he ended his short speech by apologizing "for having...when labouring under severe illness, so inadequately pleaded the cause of the Christian people of his native land."[47]

Seven other Scottish members besides Sinclair spoke for his motion. They emphasized that the vast majority of the people of Scotland desired the abolition of patronage, that patronage violated the fundamental constitution of the kirk, and that the continued existence of the institution encouraged the growth of dissent and disestablishmentarianism. Among those who spoke on this side of the question were Ross, who seconded the motion, Colquhoun, and Andrew Johnston, Younger of Rennyhill (St. Andrews Burghs). The latter had become a vice-president of the anti-patronage society in

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[47] Ibid., 705-706.

October 1832.[48]

Two prominent English Tory members of the house voiced strong opposition to Sinclair's proposed measure and defended the status quo. Sir Robert Peel, who as Home Secretary in the 1820's had won widespread respect for his handling of Scottish church patronage, opposed any notion of popular choice. To open the way to election by the people was, he said, "surrounded with difficulties which had not even been hinted at." No matter what group got the right to elect, "dissatisfaction would be excited," tumults would break out, and the quality of the clergy would decline.[49] Sir Robert Harry Inglis, who had wrested the Oxford University seat from Peel in 1829 by opposing Catholic emancipation, warned that to abolish Scottish church patronage was to threaten English church patronage. He urged English members to join him in protecting their own church by opposing Sinclair's motion. Always the "old-fashioned tory,"[50] Inglis declared that patronage was a right of property. If it could be abolished in Scotland, he warned, it could be

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[48] Ibid., 706-717; For Johnston see Sir Francis J. Grant, The Faculty of Advocates in Scotland, 1532-1943, with Genealogical Notes (1944), 112; CPR, 13 (October 1832), 1, 3, 21-22; Caithness Presbytery, 254, 264.

[49] 3 Hansard, xix (1833), 710-711.

[50] DNB, x, 443.

struck down in England.[51]

The Scottish section of the Whig government stood somewhat in the middle between Sinclair's abolitionists and the Tory defenders of the status quo. The spokesmen were Jeffrey, the Lord Advocate, Kennedy, junior Lord of the Treasury, and James Abercromby, former Chief Baron of the Scottish Exchequer and future Speaker (who like Jeffrey sat for the city of Edinburgh). While acknowledging that the people of Scotland seemed to want Parliamentary action, the government's representatives preferred to have Parliament defer in this matter to the church. They thought it "highly probable," to use Jeffrey's words, "that the General Assembly of the Church of Scotland would of itself come to a satisfactory solution" by adopting in May of 1834 the proposal of Chalmers and Moncreiff to restore the efficacy of the call. They urged Sinclair to withdraw his motion.[52]

After all sides had expressed themselves, the leader of the government in the house, Lord Althorp, asked the Speaker to refuse to entertain Sinclair's motion further. The matter, he pointed out, touched the royal prerogative because of the Crown's patronage. His lordship reminded the members that matters involving prerogative could not be

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[51] 3 Hansard, xix (1833), 715.

[52] Ibid., 709-710, 712-715; CPR, 16 (September 1833), 2.

debated without royal consent, and he was "not prepared, at this time, to give that assent." The Speaker agreed and Sinclair withdrew his request for leave to introduce his bill.[53] He had, however, accomplished the purpose of getting a Parliamentary debate on the subject and had forced the government to announce its position.

The government's position as exposed in the 1833 session of Parliament convinced the partisans of abolition that the Whig ministry had erected a formidable barrier to the attainment of their goal.[54] Clearly, the anti-patronage society and its supporters, many of them Whigs, felt disappointed at opposition from the leaders of the first reformed Parliament. Colquhoun, speaking to an anti-patronage audience, attacked the government:

> Are they well advised in assuming such a position? (Great cheering.) Is it consistent with their principles?--is it prudent or wise? They may say, indeed, We have no fear of your opposition--you are a passive people in Scotland; it is Ireland which we dread--(laughter)....[55]

The society concluded that it had to convince the government that Scotland was not passive. It therefore launched another campaign to bombard Parliament with anti-patronage petitions. The society began the drive with three rallies

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[53] 3 Hansard, xix (1833), 717-718.

[54] Public Meetings 1933, p. i, 12; CPR, 18 (January 1834), 4.

[55] Public Meetings 1833, 2-3.

at the end of 1833. The first, on 14 November, took place in Glasgow. In Sinclair's absence James Ewing, wealthy West India merchant and Member of Parliament for Glasgow, occupied the chair. His speech, together with those of Colquhoun and Alexander Dunlop, advocate and director of the society, aroused the audience to considerable enthusiasm.[56] The petition to Parliament that resulted from this meeting eventually carried over 31,000 signatures.[57] This Glasgow meeting also sent the king a request that he relinquish the Crown patronages to the people.

On 2 December the society held what Cockburn called another "great Anti-patronage meeting" in Edinburgh.[58] Designated the ninth annual general meeting of the organization, the rally served principally to inaugurate the new petition from the capital. Sinclair took the chair and Sir William Seton, Baronet of Pitmeddan, young advocate and director of the society, moved the petition.[59] This plea to Parliament in time gained 3,858 signatures.[60] The third meeting took

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[56]Ibid., p. ii and passim; for Ewing see Boase, Modern English Biography, I, 1009.

[57]4 RPPHC (1834), 27-28.

[58]Cockburn, Affairs of Scotland, 489.

[59]Public Meetings 1833, 14 and passim; CPR, 17 (December 1833), passim. For Seton see Grant, Faculty of Advocates, 189.

[60]7 RPPHC (1834), 66, 203.

place in Aberdeen on 12 December[61] and launched a petition that 3,850 people eventually signed.[62]

The volume of anti-patronage petitioning proved to be at least as impressive during the 1834 session, which lasted from February to August, as it had during the 1833 session. Although the total number of petitions presented to the House of Commons declined slightly, from about 160 to about 150, the number of signatures increased markedly, from just under 70,000 to over 125,000. In bringing the house the huge Glasgow petition Ewing noted that it was one of the largest ever sent to Parliament.[63] Anti-patronage petitions to the Lords also increased. The number rose from about eighty-five to about 110, the total signatures rising from something over 35,000 to about 93,000. The geographical distribution of the places where the 1834 petitions originated does not appear to have changed much from that of the 1833 petitions. That is to say that the northeast, the Clyde Valley, and Caithness gave the strongest support to the abolition movement.[64] As a result of the recent reform

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[61] CPR, 18 (January 1834), 4.

[62] 35 RPPHC (1834), 476, 1421.

[63] 3 Hansard, xxi (1834), 868-869.

[64] These very rough estimates, which is all that it is possible to make given the lacunae in the records, are drawn from 1-47 RPPHC (1834), passim; Index to RPPHC, 1834, pp. xiii-xiv; and 3 Hansard, xxi-xxv (1834), passim.

of the burghs, giving them far more popular governments, the 1834 petitions contained a number of representations against patronage from municipal corporations. These included those of Perth, St. Andrews, Inverness, Leith, Greenock, and Ayr.[65]

In 1834, for the first time, Parliament also received a few petitions defending patronage. This expression of approval of the status quo, however, proved to be so slight as to be insignificant when compared to the volume of anti-patronage petitions.[66]

The authors of the anti-patronage petitions of 1834 put forward most of the same arguments for abolition as had those of the previous year. They attacked patronage because it violated Scripture and the constitution of the kirk, because it bred numerous evils, especially secession, and because it weakened the church in the face of disestablishmentarianism.[67] The opening paragraph of the petition Sinclair

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[65] 1 RPPHC (1834), 3-4; 2 Ibid., 7, 14-15; 3 Ibid., 14, 37-38; 8 Ibid., 243; 13 Ibid., 461; 14 Ibid., 155; 16 Ibid., 190, 637-638; 23 Ibid., 307, 938-939; 36 Ibid., 488, 1447; 44 Ibid., 578, 1688-1689; 3 Hansard, xxi (1834), 871.

[66] 3 Hansard, xxii-xxv (1834), passim; 15-30 RPPHC (1834), passim.

[67] 1-45 RPPHC (1834), passim and especially 1 Ibid., 4; 4 Ibid., 84-87; 7 Ibid., 203; 8 Ibid., 243; 9 Ibid., 299; 12 Ibid., 422; 22 Ibid., 891-893; 23 Ibid., 938-939; 29 Ibid., 1178-1179; 34 Ibid., 1386; 35 Ibid., 1421; 36 Ibid., 1447; 45 Ibid., 1718, 1720.

presented from Rathen, Aberdeenshire, is typical:

> ...your Petitioners consider the Law of Patronage very detrimental to the true interests of the Established Church of Scotland, entirely derogatory of her constitution, and is a burthen which...has cramped and paralyzed, with exceptions few and solitary, the religious energies of the Church, and induced, more than anything else, men of piety and principle to quit her pale, and become the sorrowful witnesses of her degeneracy, while it has arrayed against her an unrelenting host of enemies, in number rapidly increasing....[68]

As to the prayers of these 1834 anti-patronage petitions, all of them asked, like those of 1833, for the abolition of patronage by repeal of the Act of Anne. Although Lord Moncreiff charged that the petitioners showed no agreement in what they wanted to replace the status quo after abolition,[69] in actual fact their prayers contain one or the other of two proposals. One, favored by the anti-patronage society and contained for example in the Edinburgh and Glasgow petitions, asked Parliament to abolish patronage and let the General Assembly decide what popular mode to employ. This had been the intent of the bill Sinclair had sought to introduce in July of the previous year. While the anti-patronage leader maintained that the prayers of most of the 1834 petitions favored this approach,[70] examination of the extant petitions suggests otherwise. Probably the majority

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[68] 45 Ibid., 1718.

[69] Patronage Report, 183-184.

[70] Ibid., 24, 51, 264.

of the prayers asked Parliament not only to abolish patronage, but to confer the right of choice on the male communicants.[71]

Moderates and some Evangelicals, in testimony to the select committee on Scottish church patronage that the House of Commons established in 1834, attacked the significance the anti-patronage forces sought to attach to these petitions. To begin with, a number of the defenders of patronage charged that many people had signed them only as a result of the society's agitation.[72] George Cook, the Moderate leader, declared:

> ...there have been travelling orators sent by irresponsible bodies of men, circulating petitions of one form only, not suggested by the people themselves, and...many of those petitions have been got up in consequence of the numbers that have assembled to hear these travelling orators in places where, without this system, there would have been no petition at all.[73]

Opponents of abolition alleged too that few of the signatories actually knew what they were signing.[74] Cook also added that no petitioners had been able to attack patronage on the basis of abuses known to them personally, because such

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[71]Information about the prayers of the petitions is drawn from the same sources as the information in the previous paragraph.

[72]Patronage Report, 146-147, 215, 266.

[73]Ibid., 354.

[74]Ibid., 147, 197.

first-hand evidence simply did not exist.[75]

Lord Moncreiff, leading Evangelical layman, proved as active as the Moderate leader in challenging the idea that the petitions were of great importance. He claimed that many of the signers were voluntaries, enemies to the church. He further pointed out that it was only natural in the political context of the day that the few who attacked an institution made a loud noise through petitions. In contrast, the many who liked the status quo usually kept silent, not imagining the institution to be in danger.[76]

Most observers agreed, nonetheless, that the petitions represented the opposition to patronage of a sizeable segment of the Scottish people. How large that segment was and who composed it remained, however, a moot point. The anti-patronage partisans maintained of course that the bulk of the folk, especially people of piety, wanted patronage abolished.[77] While some opponents of abolition conceded that a majority of the masses might be against patronage, they contended that such opposition was really invalid because induced by "agitation."[78] Many of the defenders of patronage were quick to point out too that the upper orders and,

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[75] Ibid., 354.

[76] Ibid., 205, 214.

[77] See for example Ibid., 280.

[78] Ibid., 265, 353, 421, 432-433.

importantly, a majority of the clergy, favored the status quo.[79] Others even held that not only most of the clergy, but most of the people in general were satisfied with patronage.[80] One observer, Patrick McFarlan, Minister of the West Kirk of Greenock, maintained that the minority who opposed patronage were people in the towns. He suggested that most of them would be satisfied with the enactment by the General Assembly of a measure to restore the call.[81]

Certainly the cause of patronage abolition had been gaining adherents during 1833, and especially after the defeat of Chalmers' and Moncreiff's call proposal in the Assembly of that year.[82] On 1 December 1833 Cockburn in Edinburgh wrote to Kennedy in London that "the Anti-patronage party are on the rise, and this case must be fairly met soon."[83] On 10 May 1834 the Solicitor-General expressed to his London correspondent the fear that the Radicals would make political gains over the Whigs, because the former stood staunchly against patronage.[84]

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[79] See for example Ibid., 304, 353.

[80] Ibid., 120, 147, 197-198; "Minister," Patronage and Calls, 46.

[81] Patronage Report, 143; see also 265.

[82] See for example Ibid., 147, 157.

[83] Cockburn, Affairs of Scotland, 491.

[84] Ibid., 505-506.

Cockburn and Jeffrey thought "these cursed church questions,"[85] and especially the "old, and vexed" matter of patronage, a great nuisance. They decided, however, to grant the request of George Sinclair for the establishment of a select committee of the House of Commons to look into the question of Scottish church patronage.[86] Undoubtedly the government thought that letting Sinclair have the investigation was the least bothersome way of handling this bit of Scotch business. The widespread demand for Parliamentary action could not be totally ignored.[87] And the anti-patronage society president was, after all, a good friend of the Lord Advocate,[88] a fellow Whig, and a respected figure among the members for Scotland.

In the 1834 session Sinclair had broached the Scottish church patronage question on 11 February, six days after the opening of Parliament. He had taken the opportunity afforded by presenting a petition from a Caithness parish to make a speech on the subject. He had noted that the prayer of the

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[85] Ibid.

[86] Cockburn, Jeffrey, i, 351-352.

[87] Hanna, Chalmers, iii, 349; Alexander Turner, The Scottish Secession of 1843: Being an Examination of the Principles, and Narrative of the Contest, which led to that Remarkable Event (hereafter Turner, Secession of 1843) (1859), 159.

[88] Cockburn, Jeffrey, ii, 253, 396-399; Thurso East MSS., Volume of Letters from Sir Francis Burdett, Burdett to Sinclair, 30 October 1833.

petition paralleled the intent of the bill he had sought unsuccessfully to introduce at the end of the last session--to abolish patronage and let the General Assembly determine a new, popular mode of choice. Sinclair then pointed up some of the great weaknesses of the Act of Anne. For example, he invited the house to imagine the situation were Richard Carlile, a notorious freethinker, to purchase a patronage and present a protegé. The latter could easily disguise his true views and qualify for ordination, even though the public would know the true situation.

> The unanimous voice of all the parishioners, high and low, might be raised against a nomination, dated, perhaps, from Newgate, where the worthy patron might be expiating in confinement the crime of blasphemy. The grey-haired elders might protest and entreat; it might be obvious that ninety-nine out of a hundred would secede...what, then? All this weighed but a feather in the scale--grave principals of Universities--learned professors of Divinity--the legal sages in our Courts of Law--the venerable leaders of our provincial synods--would all stand forward as one man to maintain the sacred rights of Mr. Carlile and his nominee--while the aged and respectable cottage patriarchs, protesting against such an unhallowed usurpation would be coldly and unceremoniously dismissed from the bar of the assembly.[89]

Sinclair hoped his colleagues could see how intolerable the status quo was.

By 27 February the government had agreed to the appointment of the select committee. At the beginning of that day's proceedings James Ewing opened the matter by

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[89] 3 Hansard, xxi (1834), 206-210.

presenting the mammoth anti-patronage petition from his constituency of Glasgow. Sinclair followed with a brief speech, accusing patronage of "reckless acts of tyranny" which "deeply injured the cause of true religion." He included a quotation from his friend, the energetic Bishop of Exeter, Henry Phillpotts, on the abuses of patronage in the English church. The presentation of a second anti-patronage petition brought on a short debate between a voluntary, William Gillon (Falkirk burghs), and other Scots members over whether most of the people of Scotland supported the establishment principle.[90]

The appointment of the committee came, however, at the end of the day's proceedings, when a larger discussion of the question took place. Putting this Scotch business at the latest hour of course permitted disinterested Englishmen to leave the house. Nine members spoke. Sinclair opened with brief remarks, emphasizing the enormous interest in the matter throughout Scotland. Noting that the government had agreed to the motion he was about to make, he moved "the appointment of a Select Committee to inquire into the state of the right of patronage of Churches in Scotland." Lord Advocate Jeffrey agreed that the question greatly excited the Scottish people and that immense public interest made the inquiry necessary. He urged the "utmost caution" and took

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[90]Ibid., 868-874.

care to make clear that he did not share all of Sinclair's views. Yet Jeffrey acknowledged that the appointment of a committee suggested that "practical measures" were needed to improve the situation.[91]

Three members spoke against the establishment of a committee. Both Captain Hon. William Gordon (Tory, Aberdeenshire) and Major C. L. Cumming Bruce (Inverness Burghs) thought Parliament was trespassing on the province of General Assembly. Gordon feared the inquiry would promote the notion of popular election, which, if adopted, "would lead to the utter destruction of the whole Church establishment in Scotland." Also staunchly opposed to choice of their clergy by the people, Cumming Bruce nevertheless thought they had some rights in the matter and looked to General Assembly to restore the efficacy of the call. A Parliamentary inquiry, he added, "would produce the greatest evils to the Church of Scotland." Sir Robert Peel charged that popular election was the real object of those who wanted a committee. He thought an inquiry improper because Parliament had no right to tamper with property rights. The rights of Scots patrons, Peel held, were "as sacred as the rights of advowson in the Established Church of England," and essential to the church-state link.[92]

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[91] Ibid., 926-928.

[92] Ibid., 928-931, 934-935.

Sinclair's motion for a committee won support for various reasons. All proponents of the inquiry agreed that the popular demand in Scotland for some measure was indeed intense. Robert Cutlar Fergusson (Whig, Kirkcudbright) reminded opponents of the motion that the very existence of the Act of Anne brought the matter within the scope of Parliament. He further asserted that even the appointment of a committee would strengthen the establishment principle. J. C. Colquhoun stated that Parliament needed to move in the matter because the Act of Anne violated the constitution of the kirk. He pointed out to Peel that Scottish patronage differed from English advowson because the latter did not run counter to the canons of the Church of England. At the democratic extreme, William Gillon, who wanted householders to choose ministers, supported the establishment of a committee because "it would tend to detach the Church from the aristocracy, whose influence had always been baneful." On the other hand, Lt.-Col. Andrew Leith Hay (Whig, Elgin burghs), who distinctly opposed popular election, thought an inquiry might prove useful, and indeed cited the opinion of a Moderate leader to that effect.

Sinclair spoke again at the end of the debate, answering some specific points of opposition, and the house agreed, without a division, to the motion for the committee.[93]

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[93] Ibid., 929-940.

The remit of the committee, as recorded in the Journal of the house, was

> to consider the past and present State of the Law of Church Patronage in Scotland, and to inquire how far that system is in accordance with the Constitution and Principles of the Church of Scotland, and conducive to its usefulness and prosperity, and to report their observations thereupon to the House.[94]

The membership of the committee represented all shades of attitude toward the subject under inquiry, except voluntaryism and Radical democracy; Gillon was not a member. Of the forty appointed to the committee, twenty-seven were holders of Scottish seats, eleven of English, and two of Irish. Whigs distinctly predominated, as they did among the Scottish members[95] and in the house as a whole. The leading government figures on the committee besides Jeffrey were Charles Grant and Edward Ellice the elder, both of the cabinet, and Sir George Grey, the Prime Minister's brother. Peel and Sir William Rae, the latter a former and future Lord Advocate, led the half-dozen or so Tories.[96]

The most active members numbered about seven. Sinclair, Andrew Johnston, the anti-patronage society's vice-president, and J. C. Colquhoun represented the abolitionist

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[94] Patronage Report, pp. ii-iii.

[95] Pryde, New History, ii, 195. Of the fifty-three Scottish seats the Tories held ten, the Whigs forty-three.

[96] Patronage Report, p. ii.

cause. Sabbatarian Sir Andrew Agnew of Lochnaw (Whig, Wigtonshire) and scholarly Lord William Cavendish (Whig, North Derby; later second Earl of Burlington and seventh Duke of Devonshire) entered the inquiry largely with open minds, although tending perhaps in Sinclair's direction. Captain Gordon and Major Cumming Bruce took an active part as defenders of the status quo. Five members constituted a quorum and attendance seldom went much beyond that.[97]

As mover of the committee's establishment Sinclair served as chairman, in which capacity he earned the praise of all sides. He had hoped that "its labours would be conducted in a spirit of calmness and forbearance" and that "its results might be conducive," not only "to the glory of God," but also "to the prosperity and permanence of our Establishment."[98] If the committee's work failed to produce the results for which its chairman hoped, at least his conduct of its business could not be faulted. Sixteen years later Gordon wrote Sinclair: "the proceedings...I perfectly recollect...they were in my opinion conducted with the

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[97]Thurso East MSS., Volume of Letters on "Kirk Negotiations, 1841-42," Earl of Burlington (Cavendish) to Sinclair, 16 March 1850 and William Gordon to Sinclair, 21 March 1850; CPR, 19 (December 1834), 5; Patronage Report, p. ii.

[98]3 Hansard, xxi (1834), 940.

greatest impartiality and much ability...."[99] At the same time Cavendish (by then Earl of Burlington) remembered that "the business of the Committee was undoubtedly conducted both judiciously and impartially....meetings were...very frequent, and the examination of witnesses was pushed on vigorously."[100] The committee held hearings on twenty days between 19 March and 7 May.[101]

Even before the opening of the committee's inquiry Sinclair sought to underline the importance of its task with a speech to the house reviewing the history of church patronage in Scotland. He used the opportunity afforded by the presentation of a petition from Edinburgh to address the chamber. Noting that "the national cemetery for petitions," "the leathern mausoleum under the table," "was prepared for the reception of the important document," he followed the practice of the Irish members, whose persistence in their country's cause he admired, in accompanying the presentation of a petition with a speech. He expounded on the thesis, supported with lengthy quotations from authorities, that patronage was alien to the true nature of the Church of

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[99]Thurso East MSS., Volume of Letters on "Kirk Negotiations, 1841-42," William Gordon to Sinclair, 21 March 1850.

[100]Ibid., Earl of Burlington to Sinclair, 16 March 1850.

[101]Patronage Report, 4.

Scotland.[102]

Sinclair and many Evangelicals believed that the British Parliament in passing the Act of Anne in 1712 had violated the Act of Union of 1707.[103] This point raised the fundamental, recurring problem of sovereignty. Could Parliament change provisions of the Treaty of Union? Many Evangelicals and many other Scots answered that it could not, that the treaty was "unalterable for ever."[104] In 1806 Walter Scott and other lawyers had opposed reform of the Court of Session with "the plea, which was always brought forward on such occasions, that it violated the Union."[105] The Evangelicals attacking patronage could argue therefore that, because the 1707 treaty secured the Church of Scotland as it then existed and because patronage was not a part of its polity, the 1712 act restoring patronage had violated the fundamental law.

On the other side of the question at least two voices objected to this line of argument. Robert Bell, addressing

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[102] 3 Hansard, xxii (1834), 9-15.

[103] Scots Magazine, xcvi (December 1825), 653-655; ECI, xxv (November 1826), 766, xxvi (February 1827), 101; 5 PAMAA (1830), 13; CPR, 12 (September 1832), 2, 13 (October 1832), 2, 18 (January 1834), 13; 3 Hansard, xix (1833), 711-712; 4 RPPHC (1834), 85; Patronage Report, 54, 85, 94. See also Ibid., 387-388.

[104] Ibid., 94.

[105] Mathieson, iv, 130n.

the select committee as Procurator of the Church of Scotland, contended that the Treaty of Union contained no provision against the restoration of patronage.[106] A decade earlier the committee chairman's father, Sir John Sinclair, had attacked the very idea that Parliament could not change the provisions of the treaty. Parliament, he wrote, had every right to make "any alteration for the evident advantage of Scotland." He added that many thought the Act of Anne such a change for the better.[107]

While a number of witnesses before the 1834 House of Commons committee on Scottish church patronage touched on the legal status of the Act of Anne, the committee devoted its hearings to all aspects of the subject under inquiry. Nineteen witnesses--twelve clergymen and seven laymen--received the committee's summons and duly appeared to answer its questions. Sixteen of the witnesses had to come from Scotland to London for the hearings. The witnesses were in the committee's view

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[106] Patronage Report, 118.

[107] Sinclair, Analysis, ii, 19. For some points of view on the Union, the British Parliament, and sovereignty see Macaulay, Speeches and Poems, 488; William S. McKechnie, "The Constitutional Necessity for the Union of 1707," SHR, v (1907), 63-65; Mathieson, ii, 212-214; C. Gordon Post, Significant Cases in British Constitutional Law (1957), 16-22; and supra, chapter one.

> individuals who occupy the most prominent place in public estimation on account of their zeal, their talents, and their attachment to Presbyterian Institutions.[108]

For the most part they divided into three schools of thought: Evangelicals like Sinclair, who sought abolition; the Moderates, who defended the status quo; and Evangelicals like Lord Moncreiff, who sought to preserve patronage, but to restore the effectiveness of the call.

The most forceful proponent of abolition was the first witness, Alexander Dunlop. A leading advocate and an expert in ecclesiastical law, he won universal admiration for his piety and his devotion to the church. Henry Cockburn, the Solicitor-General, wrote that "there cannot be a more benevolent or honourable gentleman."[109] Thirty-five years of age in 1834, Dunlop served as a director of the anti-patronage society. Later he was to be one of the leaders of the Disruption, as well as a distinguished Liberal Member of Parliament. He had published a work on parochial law in 1825 and one specifically on the law of patronage in 1833, and the committee recognized him as an authority

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[108] Patronage Report, 3.

[109] Cockburn, Journal, i, 327.

in this area.[110]

Dunlop testified, however, not only as a legal expert, but also as a churchman convinced of the need to abolish patronage. To him patronage was utterly alien to the constitution of the Church of Scotland. He believed that in theory the church had the right to overrule the law of the state when the latter conflicted with the fundamental ecclesiastical law. He was aware, however, that on this point

> very great doubt is entertained, and particularly in the two present heads of [the state's] Courts in Scotland, who in their places in the General Assembly have repeatedly stated that the church has not this power; and if any cause come before them as judges, they should feel themselves compelled to put the municipal law in force, contrary to such exercise of power by the church.[111]

Dunlop urged therefore that Parliament simply repeal the Act of Anne. He did not believe it proper for the legislature to specify the mode of pastoral appointment. The General Assembly, with the presbyteries participating under the Barrier Act, could provide a method to replace patronage. Or, if the church did not choose to enact a substitute system, he thought that the Act of Assembly of 1649 would prevail. Under this the elders nominated a minister, with

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[110] Ibid.; DNB, vi, 204-205; Sir Francis J. Grant, Faculty of Advocates (1944), 64; Mathieson, iv, 320, 328, 330; Disruption Worthies, ii, 237-244; 3 PAMPS (1829), 22; 4 PAMPS (1829), 22; CPR, 15 (February 1833), 8, 17 (December 1833), 8; Patronage Report, 5, 172.

[111] Ibid., 28.

the consent of the majority of the congregation necessary to his admission.[112]

William Cunningham, who had recently become Minister of Trinity College Church, Edinburgh, strongly seconded Dunlop's abolitionist testimony. Twenty-eight years of age, he "was beginning to come into notice as a hard-headed debater, well versed in Scotch ecclesiastical history, but somewhat dogmatic and overbearing."[113] An admiring friend of Thomson and Chalmers, Cunningham, like Dunlop, was to play a prominent part in the Disruption.[114] He told the 1834 committee that Scripture and the early practice of the Christian church opposed patronage. All history, he said, showed that the institution violated the constitution of the Church of Scotland.[115] To restore the call was a good idea, he believed, but it did not go far enough.[116] "The plan most sound in principle, as being in exact accordance with right views of the respective functions of the Church and the State," was that for Parliament to repeal the Act of Anne and leave it to the church to decide its own

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[112] Ibid., 25-26, 28-29, 32-33.

[113] Cunningham, Church History, ii, 456.

[114] Disruption Worthies, ii, 193-200; Scott, Fasti, i, 129.

[115] Patronage Report, 272-273, 276.

[116] Ibid., 278-279.

course.[117] He added, however, that Parliament might well prescribe two points for any system the church might adopt: that no minister should be intruded against the will of the congregation, and that only communicants should participate in the selection.[118]

Two other Evangelical clergymen of the establishment testified in favor of abolition. Both Robert Burns of Paisley and David Welsh, Professor of Ecclesiastical History at Edinburgh, urged Parliament to repeal the Act of Anne. Asked his opinion of the idea of restoring the effectiveness of the call rather than abolishing patronage, Welsh replied that abolition was not only preferable, but necessary.[119]

Welsh thought that it was especially necessary that patronage be replaced with some popular system in order to encourage the return of the seceders. To get the point of view of the latter the committee questioned two seceder clergymen strongly attached to the establishment principle. Both confirmed Welsh's argument by voicing the support of antidisestablishmentarian seceders for repeal of the Act of Anne. Michael Willis spoke for the Original Burgher

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[117] Ibid., 284.

[118] Ibid., 285.

[119] Ibid., 81, 100-101, 245-246, 249-250.

Associate Synod.[120] Thomas M'Crie, the notable divine and historian of the Reformation, represented the Constitutional Presbytery. In his learning, piety, and eloquence, however, the venerable M'Crie spoke for all evangelicals who advocated abolition. He put the problem in its wider significance, asserting that patronage

> is inconsistent with the genius of Presbytery, and irreconcilable with the fundamental principles of the Church of Scotland, which claims the exclusive right of managing all her internal affairs; she refuses the supremacy of King and Parliament in ecclesiastical matters, and patronage is, equally with royal supremacy, a power without the church interfering with her internal affairs.[121]

On the other side of the question the committee sought the evidence and opinion of a number of Moderates. The most important of them was George Cook, leader of the Moderate party and therefore leader of the Assembly. Professor of Moral Philosophy at St. Andrews, this scion of the ecclesiastically prominent Cook and Hill families enjoyed the high honor of being Dean of the Order of the Thistle and one of the Deans of the Chapel Royal. Fifty-one years of age in 1834, Cook had written a number of works in church history. He also had done considerable research into the history of patronage in preparation for his appearance before the committee. With the rise of Evangelicalism Cook

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[120] Ibid., 158-160, 168-169. For seceder sects see supra, chapter seven.

[121] Patronage Report, 391.

had come to realize that the supremacy of the Moderates faced a strong challenge. He knew too that popular feeling ran high against patronage. Not a commanding, charismatic leader like Robertson, Thomson, or Chalmers, Cook nonetheless possessed solid, if quiet ability and a considerable sense of realities. Certainly too, his deep devotion to the church strengthened his leadership.[122]

Cook told the committee that he completely opposed "the most unstatesmanlike plan" of having Parliament abolish patronage and leaving it to the church to choose a substitute. He believed that such an action would injure the church greatly. He gave the committee three reasons for his reaction: He thought that patronage had proven to be a highly efficient system. His studies also led him to believe that the church had suffered during those interludes when patronage had not prevailed. Lastly he held that there was no viable alternative to patronage, no other mode on which the church could agree.[123]

The Moderate leader also expressed grave doubt about the wisdom of Parliament's deferring to the General Assembly in the search for a proper system of pastoral appointment. The Assembly, he testified, was a hasty, changing, far from

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[122] DNB, iv, 990-991; Scott, Fasti, v, 477-478; Patronage Report, 316, 322, 349; Mathieson, iv, 269, 307; Cunningham, Church History, ii, 455-456.

[123] Patronage Report, 338, 348, 377-379.

fully competent body. Many of its members, he continued, did not even understand the constitution of the church. He concluded that he "would tremble at the idea" of the question "being remitted to the General Assembly."[124]

Yet Cook did not completely defend the status quo against all change. Early in his testimony he admitted "that this very agitation" for abolition "will do us good." He thought its value lay in drawing "the attention of the church to the importance of discharging with strict fidelity all clerical duties." With characteristic candor he told the committee that he had "always found that there is a tendency under establishments to a little relaxation of activity and exertion."[125] Cook made the important admission that possibly patronage could be improved. His objection was to the demand that it be abolished.[126]

Cook also objected to the method by which Sinclair and his followers proposed to make the change. The Moderate leader thought that the House of Commons committee, when it had considered "whether additional checks were requisite," should send its report to the General Assembly for distribution to the presbyteries. Any request for change in patronage then should come through the courts of the church. Cook

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[124] Ibid., 339.

[125] Ibid., 338.

[126] Ibid., 380.

thought it would be proper for the largely non-Scottish Parliament to act only on a proposal that General Assembly, under Barrier Act procedures, had approved beforehand. Cook's actions in these years show that he was not merely attempting to delay change. Rather he was expressing to the committee a concern for proper order in effecting change, a concern that is so prominent a hallmark of presbyterian polity. On balance, to be sure, George Cook's testimony greatly strengthened the status quo.[127]

Principal Duncan Macfarlan of Glasgow, second only to Cook in the leadership of the Moderate party, supported all the essential points of the leader's testimony. Macfarlan acknowledged that some small improvements might be made in the current system. As a whole, however, he believed it quite sound. He said that for Parliament to abolish the Act of Anne and have the supreme court of the church choose a new mode for the appointment of ministers, "would throw a very appalling responsibility on the General Assembly."[128]

Undoubtedly the most intransigent defender of patronage to testify before the committee was a leading Moderate layman. This was Robert Whigham of Hallidayhill, advocate and elder and a member of the Assembly since 1817. He believed that patronage, "by the authority and law of the

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[127] Ibid., 348, 350, 380.

[128] Ibid., 263-265.

State," formed a distinct part of the church's constitution. He opposed all change, even slight modifications. Proposals for abolition or even "improvement" he thought "fraught with danger to the church establishment, and consequently with evil to the community at large." He was particularly worried that change would "weaken the attachment of landlords" to the kirk. Whigham concluded by telling the committee that "the system altogether has worked so well, that... no case has been made...for any change."[129] He added that much of the abolition sentiment simply resulted from the desire of some clergy to get patronage into their own hands.[130]

Another leading Moderate who gave evidence to the committee was John Lee, Minister of Lady Yester's, Edinburgh, His opinions largely paralleled those of his clerical brethren, Cook and Macfarlan.[131] The committee, however, had not called him for his view of the current situation.

The mandate of the select committee instructed it to inquire into "the past" as well as "the present State of the Law of Church Patronage in Scotland." The committee had "power to send for" "Papers and Records" as well as "Persons."[132] It regarded considering patronage historically

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[129] Ibid., 423-424, 431, 435, 439.

[130] Ibid., 445.

[131] Ibid., 421-422, 470, 471.

[132] Ibid., 2.

as an important part of its work. The committee asked almost all of the witnesses a number of questions on the history of the institution. The legal scholars like Dunlop spoke of the history of the laws of patronage. The ecclesiastical historians like Welsh, M'Crie, and Cook discoursed on the origins of the institution and its effect on the history of the church. Welsh echoed a widely held view when he told the committee that history was "of very great importance" in determining what should be done in the matter.[133] In an attempt to get at the evidence of the actual historical documents themselves, the committee summoned Lee, who was Principal Clerk of Assembly, and Alexander Lockhart Simpson, another of the high court Clerks.

John Lee was especially well qualified for the assignment. As Principal Clerk he had the records of the Assembly in his custody. He had held the office for six years and had been one of the Clerks for three years before that. Equally important, before that he had been convener of the church's records committee for several years, and had studied the documents in considerable depth.[134] Lee was a thorough scholar.[135] Professor Horn writes in his recent

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[133] Ibid., 220.

[134] Ibid., 393.

[135] Mathieson, iv, 295; Patronage Report, 176.

history of Edinburgh University that Lee

> had studied at Edinburgh for ten years, completing the normal courses in Arts, Medicine, and Divinity, and, according to current gossip, writing in elegant Latin many M D theses as well as his own.[136]

He had been Professor of Ecclesiastical History at St. Andrews from 1812 to 1821. Fifty-four years of age in 1834, he served in his sixties and seventies as Principal and Professor of Divinity at Edinburgh.[137] Lee's consuming interest in the past fitted well into the intellectual milieu of Edinburgh in his day. As Professor Renwick points out, the historians and antiquaries formed an important part of the Scottish scene in that age; Scott himself had been the leading figure among them.[138] Lee edited a number of historical texts, two of them in fact for Scott's Bannatyne Club. In the midst of many experts in Scottish church history, John Lee knew more of the documents and details of the subject than anyone else. He and his associate, Simpson, Evangelical Minister of Kirknewton, Presbytery of Edinburgh, agreed to divide the scope of their responsibility to the

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[136] D. B. Horn, A Short History of the University of Edinburgh, 1556-1889 (1967), 102.

[137] DNB, xi, 802-803; Scott, Fasti, i, 73; James J. Hunter, Historical Notices of Lady Yester's Church and Parish, Edinburgh.... (second edition, 1883), 44-50.

[138] W. L. Renwick, English Literature, 1789-1815, volume ix of The Oxford History of English Literature (1963), 204-205.

committee. Simpson prepared to testify on the printed records, Lee on the manuscripts.[139]

The committee's zeal for manuscript evidence resulted in a singular disaster. In the late seventeenth century three volumes of highly important manuscript records of early General Assemblies had come into the possession of Hon. Archibald Campbell, Scottish independent non-juring bishop. Campbell, resident in London, gave the records to Sion College, London Wall. In the late 1820's and early 1830's General Assemblies, through Lee, had unsuccessfully sought to regain possession.[140] On 24 March 1834 Simpson told the House of Commons committee that, while no one in the Church of Scotland knew just what these manuscripts contained, he thought there might be something in them relevant to patronage.[141] The committee appointed Lee and four others to go to Sion College to look at them. On 25 April Lee reported that a brief examination of the three volumes revealed that they covered "the whole period between 1560

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[139] Patronage Report, 125.

[140] DNB, iii, 791-792; Thomas Burns, Church Property: The Benefice Lectures.... (1905), 24-31; Duncan Shaw, The General Assemblies of the Church of Scotland, 1560-1600: Their Origins and Development (1964), 7-8. Burns and Shaw discuss much of the history of the Assembly records for this early period.

[141] Patronage Report, 126.

and 1616" and contained much on patronage.[142] In order to examine this historical evidence the committee forced Sion College, against its will, to bring the records to Westminster on 5 May. The committee promised to return them to the college,[143] but appears never to have done so. On 31 May Lee was back in Edinburgh, telling the General Assembly that he expected shortly to obtain the three volumes for the kirk.[144] Unfortunately it seems that the records remained at Westminster until 16 October, when they were forever lost in the fire that destroyed the Houses of Parliament.[145] Nor does it appear that the committee ever did much to examine this evidence.

In its search for historical evidence the committee ordered all the presbyteries to search their records for pertinent references to patronage. Sinclair was especially interested in obtaining accounts of unpopular settlements and copies of presbyterial expressions against patronage. The committee received a good deal of this sort of evidence from a number of presbyteries.[146] However, from some presbyteries

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[142] Ibid., 450-452, Appendix, 155-156.

[143] Ibid., 355, 375.

[144] Acts of the General Assembly 1834, 65.

[145] Burns, Church Property, 31-32; Shaw, General Assemblies, 8.

[146] Patronage Report, Appendix, 1-155.

it also got expressions of current support for patronage.[147]

Some witnesses challenged the relevance of the committee's inquiry into the history of patronage, and in the final analysis this historical investigation had little effect. Simpson, called to give evidence on patronage in the past, told the committee:

> ...I do not look on the past history of the church as affording any very adequate and conclusive data for deciding the great question of patronage.[148]

All sides could marshall arguments from history. As one pamphleteer put it, "the question remains to be determined, almost exclusively, on its own merits."[149] Certainly the most important witness before the committee, Lord Moncreiff, agreed with this criticism of an overly historical approach.[150]

The Honourable Sir James Wellwood Moncreiff, Lord Moncreiff, was the leading Evangelical layman in the Church of Scotland. He was the son of Thomson's predecessor as Evangelical leader, the Reverend Sir Henry Moncreiff Wellwood, whom he had succeeded as Baronet of Tullibole.

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[147]See for example Ibid., 103, Appendix, 24-25. For the seriousness with which at least one leading presbytery took this order from the committee see Edinburgh Presbytery, xx, 181-182, 185.

[148]Patronage Report, 126; see also 123.

[149]Question of Church Patronage, 10.

[150]Patronage Report, 170.

Fifty-seven years of age in the spring of 1834, James Moncreiff was as "strongly presbyterian, whiggish, and patriotic,"[151] as his revered father. He enjoyed a distinguished career at the bar and on the bench, becoming Dean of the Faculty of Advocates in 1826 and a Senator of the College of Justice in 1829. Friend of Jeffrey, Cockburn, and Sinclair, he served with the latter as an elder at St. George's, Edinburgh. Twenty-seven years a member of the Assembly, he took a prominent part in the affairs of the kirk and stood with Chalmers at the head of the Evangelical party.[152] Denis Le Marchant, Lord Chancellor Brougham's secretary, had recorded in his diary for 1833 that Lord Moncreiff was "a sagacious, strong-minded Scotchman, fond of drink, but respectable as a lawyer, a politician, and strange to say [to a non-Scot], as a divine."[153]

Lord Moncreiff's testimony to the House of Commons committee carried great weight not only because of his own importance, but because Chalmers, who had suffered a stroke in January, could not come to London, and for the first half of 1834 confined his activities as leader to the meeting of

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[151] DNB, xiii, 615.

[152] Ibid., 615-616; Cockburn, Memorials, 445-446, 460-462; Patronage Report, 169, 197, 205; David Maclagan, St. George's, Edinburgh (1876), 84; Edinburgh Presbytery, xix, 237, 243, 262, 273-276, 314.

[153] A. Aspinall, ed., Three Early Nineteenth Century Diaries (1952), 374.

the General Assembly.[154] To a large degree therefore, on major points his lordship spoke for the Evangelical leader as well as for himself.

Moncreiff prefaced his testimony with a statement on his delicate position as a judge appearing before the committee. He wanted the committee to understand that as a judge he did not have to honor its summons. He appeared voluntarily and only "from a very deep sense of the importance of the subject" and from his "anxious interest in the affairs of the Church of Scotland." He cautioned the committee to consider his opinions as personal, not judicial.[155]

In his influential testimony Lord Moncreiff strongly opposed the proposal to abolish patronage. He denounced all notions of popular right. He warned that no system other than patronage could command sufficient support. He objected to Parliament's interference in this concern of the Church of Scotland.[156] He did not deny that patronage could be improved, but to accomplish this he favored the proposal he and Chalmers had unsuccessfully put to the Assembly of 1833, the restoration of the efficacy of the call. This they had proposed to implement by means of an opportunity for male

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[154]Hanna, Chalmers, iii, 433-436, 441, 444, 458.

[155]Patronage Report, 169-170.

[156]Ibid., 177, 179, 187-189, 196; see also "Minister," Patronage and Calls, 4.

heads of families to veto presentations.[157] Moncreiff's testimony had the decisive effect of making it impossible for Sinclair to get anything like a majority of the committee to back abolition.[158]

Three other prominent Evangelicals supported Moncreiff's position. While in the long run Patrick McFarlan, Minister of the West Kirk of Greenock, thought selection of ministers by heritors and elders (the mode of 1690) the best system, for the present he preferred the plan of Chalmers and Moncreiff. Certainly he opposed the idea of abolition and the replacement of patronage with popular choice.[159] Robert Bell, advocate and Procurator to the church,[160] defended the institution of patronage, but supported the "veto."[161] The opinion of Alexander Lockhart Simpson, who had been called as deputy Clerk of the Assembly for the historical testimony, was also distinctly against abolition and popular election, and in favor of the Chalmers-

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[157]Patronage Report, 177, 193-194; infra, chapter twelve.

[158]Cockburn, Affairs of Scotland, 502.

[159]Patronage Report, 46-52, 144, 147; McFarlan, Popular Election, Patronage, and Calls, 21, 25.

[160]For Bell see Frederic Boase, Modern English Biography (1892-1921), i, 230-231.

[161]Patronage Report, 60, 116.

Moncreiff improvement.[162]

The testimony of another important Evangelical, while it did not support Moncreiff's proposal, did not help Sinclair's either. The venerable Stevenson M'Gill, Professor of Divinity in the University of Glasgow, preferred a complicated system of choice of ministers by delegates of the heritors, elders, heads of families, and presbytery. He recognized, however, that the church was far from being of one mind on the matter of ministerial appointment and that circumstances seemed to favor the survival of patronage. Certainly he opposed giving the right of selection to the people.[163]

On 7 May the House of Commons select committee on Scottish church patronage concluded its hearings[164] and on

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[162] Ibid., 128-132, 135.

[163] Ibid., 298-299, 301-304; Reid, Glasgow Divinity Professors, 303.

[164] In addition to attempting to probe Scottish evidence and opinions, the committee made a slight attempt to get some comparative testimony from England and Ulster. The Member of Parliament for the Gloucestershire constituency that included Painswick, the one English parish with popular choice, testified on that situation. He said that he thought the Church of England best served by its prevailing system of patronage, not by the Painswick mode. At the same time a member of the Dublin staff of the Chief Secretary for Ireland gave the committee some miscellaneous information on the Crown's subvention of the Presbyterian Synod of Ulster. That body, although connected with the Church of Scotland, was not established in Ireland. The testimony of both these witnesses proved peripheral to the committee's concerns. (Patronage Report, 287-289, 293, 296-297.)

23 July it published its report. The report proved to be a distinct defeat for George Sinclair and the proponents of abolition. The committee could agree only on a brief statement that recommended no action to Parliament. The committee remarked on the "difficulties attendant upon the adoption of any of the various modifications suggested." The report concluded with a statement supporting the continued establishment of the kirk:

> Your Committee most earnestly recommend to the Legislature, the defence and preservation of an Establishment, with the permanence of which, in their judgment, the general prosperity and moral welfare of Scotland may be considered as intimately interwoven.[165]

The committee at least took a stand, although hardly a difficult one, against voluntaryism.

While the possibility of getting Parliament to abolish all church patronage in Scotland disappeared, the legislature did enact something of a correction to the law of patronage. John Campbell Colquhoun, one of Sinclair's allies, introduced into the lower house a bill to deny the patronage of new churches to the patrons of the old parishes in which the new churches were built. Instead those who actually provided the new places of worship were to become their patrons. The bill passed, with the consent of the government and especially the backing of Lord Chancellor Brougham,

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[165] Ibid., pp. iii-iv.

and received the royal assent on 30 July. The enactment removed a major inhibition to needed church extension, a cause which also got a pledge of governmental support from Lord Melbourne, the new Prime Minister.[166]

The sponsorship by Sinclair's group of this law to facilitate extension by adjusting the patronage of new churches can be seen as something of an acknowledgement that they were unable to obtain further legislation. The possibility of repealing the Act of Anne had vanished. The attempt to abolish church patronage in Scotland had failed. There were a number of reasons for this failure.

One factor possibly contributing to the defeat of the abolition movement was the position of its leader. A number of weaknesses handicapped George Sinclair, the man at the head of the campaign in Scotland and at Westminster. Like his father, Sir John, and in large part because of his parent's example, George Sinclair was too independent and unpredictable to carry much weight in Parliamentary politics.[167] Liked by many, he commanded few. One hostile writer suggests that Sinclair lacked a sufficient sense of political

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[166]3 Hansard, xxiv (1834), 173-174, 434-435, xxv (1834), 58, 276, 363-366, 750; 4 RPPHC (1834), 81; 29 RPPHC (1834), 1179; 41 RPPHC (1834), 1608; Patronage Report, 155, 168-169, 333; Hanna, Chalmers, iii, 448; Mathieson, iv, 293-294.

[167]Thurso East MSS.; Volume of Letters from Joseph Hume, Hume to Sinclair, 15 November 1823, 15 December 1824, 10 December 1835.

realities.[168] While such a criticism is too harsh, certainly his effectiveness had its limitations.

For one thing, the patronage issue had alienated him from one of his most influential London friends, King William. The Scottish nobility at court persuaded the leading patron to make a point of his displeasure at Sinclair's attempts to get patronage abolished. "Silly Billy" banished his close friend from the royal presence. His Majesty even once invited Sinclair's wife and daughter to dinner, while excluding the husband and father. With the movement's failure, however, monarch and subject resumed their intimate association.[169]

Then too, while undoubted leader of the Evangelical abolitionists,[170] the Younger of Ulbster did not enjoy a place in the first rank of the Scottish Evangelical party as a whole. He had not inherited the larger mantle of the dynamic Thomson, nor was he even the equal of that lay luminary, Lord Moncreiff.

Added to all this was the fact that Sinclair suffered

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[168]Robert Buchanan, The Ten Years' Conflict (1852), ii, 327-329.

[169]James Grant, Memoirs of Sir George Sinclair, Bart., of Ulbster (1870), 264-266. There is a noticeable gap in the correspondence between William and Sinclair from 1832 to 1836 (Thurso East MSS., Volume of Letters from William to Sinclair).

[170]Public Meetings 1833, 1.

recurring illnesses, not least during early 1834.[171] George Sinclair's weaknesses as leader, however, were at most only minor factors in his movement's failure.

A second factor is that those who sought abolition had to seek it in London. Parliaments and governments, which were largely English, seem to have had little interest in Scottish problems. Then too, the English had difficulty understanding Scottish ecclesiastical matters. Lord Moncreiff's father, the Reverend Sir Henry Moncreiff Wellwood, had written in 1818:

> Our southern neighbours, who are in general but little acquainted with the interior...of our Church history; or with the sects which have arisen among us...think perhaps with some degree of contempt, of the points at issue, between the different parties in the Church, or between the Church and the secession.[172]

Sir Henry found the English, with their own Erastian ecclesiastical polity, unappreciative of

> the general spirit of liberty and independence in religion, which the inhabitants of Scotland inherit from their first reformers; and which is incorporated with the whole frame and texture of their ecclesiastical government.[173]

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[171]Thurso East MSS.: Volume of Letters from Joseph Hume, Hume to Sinclair, 26 February 1832; Volume of Letters from Sir Francis Burdett, Burdett to Sinclair, 7 December 1833; Volume of Letters from J. W. Croker, Croker to Sinclair, 8 January 1834. See also 3 Hansard, xix (1833), 705-706.

[172]Moncreiff Wellwood, Erskine, 471-472.

[173]Ibid.

Moreover, the Scottish section of the government was small and weak. Jeffrey, who exchanged the office of Lord Advocate for that of a Senator of the College of Justice in May of 1834, had not been much of a success at Westminster.[174] The next Lord Advocate, John Murray, proved no more successful.[175] Cockburn, who as Solicitor-General was the government's representative in Edinburgh, gives the impression that the few members of the Whig ministry concerned with Scotland looked upon the patronage issue as principally a nuisance.[176] Nonetheless, on balance it seems doubtful that the governmental situation made the difference between success and failure for the abolition movement.

Certainly one important reason why Sinclair and his supporters failed to persuade Westminster to abolish Scottish church patronage is that they had failed to persuade Scotland sufficiently. To be sure, the avalanche of petitions praying for the repeal of the Act of Anne meant that many Scots, perhaps even a majority, favored abolition. On the other hand, majorities of two highly important groups, the clergy and the landed interest, appear to have opposed abolition.[177] Their attitude, especially that of the clergy,

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[174] DNB, x, 711.

[175] DNB, xiii, 1293.

[176] Cockburn, Jeffrey, i, 351-352.

[177] Patronage Report, 304, 353.

seems to have been decisive.

Above all else the proponents of abolition failed to carry their case at Westminster because of the testimony before the select committee. The opinions of those who opposed abolition convinced the committee majority that patronage ought to be retained.[178] The defense of the institution by Lord Moncreiff, the leading witness for kirk and ruling classes, proved particularly persuasive.[179] Sinclair realized the hopelessness of his cause and did not even propose to the committee that it recommend abolition.[180]

One interpreter suggests that the July report of the committee advised no action by Parliament because the committee thought that the General Assembly had solved the problem by the Veto Act passed in May.[181] Rather, the evidence suggests that the committee had come to its decision before the Assembly adopted the veto compromise.[182] The Assembly's

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[178]Thurso East MSS., Volume of Letters on "Kirk Negotiations, 1841-42," Earl of Burlington to Sinclair, 16 March 1850 and William Gordon to Sinclair, 21 March 1850.

[179]Cockburn, Affairs of Scotland, 502.

[180]Thurso East MSS., Volume of Letters on "Kirk Negotiations, 1841-42," William Gordon to Sinclair, 21 March 1850.

[181]Robert Buchanan, The Ten Years' Conflict (1852), i, 195.

[182]Thurso East MSS., Volume of Letters on "Kirk Negotiations, 1841-42," William Gordon to Sinclair, 21 March 1850.

legislation, however, precluded Parliamentary action on the patronage question for forty years.

CHAPTER XII

GENERAL ASSEMBLY AND THE VETO COMPROMISE

While the anti-patronage society had been trying to persuade Parliament to abolish patronage, other Evangelical forces had been seeking to save the institution through the General Assembly. These two efforts point up the fact that the patronage question brought a cleavage of the Evangelicals of the Church of Scotland into two groups. On the one side stood the abolitionists, followers of George Sinclair and supporters of the anti-patronage society. The defenders of patronage, led by Thomas Chalmers and Lord Moncreiff, provided the general leadership for the Evangelical party in the church. This Chalmers-Moncreiff group believed that a measure of reform would preserve patronage. They advocated the restoration of the efficacy of the call as a means of removing most opposition to the institution.[1] These Evangelical defenders of patronage mustered, in the Assembly of 1834, a majority favorable to such a modification of the mode of ministerial appointment. The Veto Act by which the Evangelical majority accomplished this modification therefore provided a compromise between the abolition of patronage

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[1]See for example Turner, Secession of 1843, 160-164 and Mathieson, iv, 289-290.

and the total retention of the status quo.

As the compromise designed to preserve patronage centered on the matter of the call, some consideration of that procedure is appropriate. Originally the word "call" was simply a translation of the legal term "advocatio," which meant only the act of presentation.[2] The lost manuscripts of the church seem to have held no evidence of a call by the people during the sixteenth century.[3] It appears that the first use of "call" as referring to an action by the parishioners appeared in legislation of 1649. This enactment provided for a mode of ministerial choice in which the consent of the congregation was essential. While the 1649 mode ended with the Restoration, some interpreters considered that its provision for the consent of the people was a permanent part of the ecclesiastical constitution.[4] Under the mode of 1690 the "call" only referred to the selection of the minister by the heritors and elders.[5] The Act of Anne, as John Duncan and Christopher Johnston (Lord Sands) have written

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[2] Patronage Report, 60, 127.

[3] Ibid., 400-401.

[4] Duncan and Johnston, Parochial Law, 94; Patronage Report, 122; supra, chapter one.

[5] Duncan and Johnston, Parochial Law, 94; Patronage Report, 60.

> recognized neither the necessity nor the propriety of a "call"; and...plainly treated such a formality as entirely destitute of any importance or virtue in making an effectual presentation.[6]

Yet, despite the lack of any firm legal status, the idea of a call by the parishioners persisted. In the early eighteenth century the subscription of a call was regarded as a normal part of the procedure after presentation by the patron and before admission by the presbytery. During the third quarter of the eighteenth century Principal Robertson, the leader of the kirk, began to emphasize what was to remain the Moderate position, which was--following the Act of Anne--that a call was unnecessary. Nevertheless, the Moderates, who enjoyed a majority in General Assembly until 1834, were willing to maintain at least the form of a call. The Assembly of 1782 even declared that the call conformed to the "immemorial and constitutional practice of the church." However, the party in power was content with the slightest observance of the practice. Thus one call of the late eighteenth century contained the signature of not a single parishioner; the subscription of three non-resident heritors served the desire for form.[7]

The call thus remained an ill-defined and largely

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[6]Duncan and Johnston, Parochial Law, 94; see also Patronage Report, 80.

[7]ECI, xxvi (May 1827), 355; Duncan and Johnston, Parochial Law, 95; Patronage Report, 40.

inconsequential formality. No law of the church prescribed who and how many ought to sign the document. In practice the ecclesiastical courts sustained all calls, regardless of how few the signatures. Presbyteries always went through the process of "moderating in" a call, inviting parishioners to subscribe. Often, however, most of the people of a parish did not bother to do so, aware of how meaningless the action was.[8] Sir John Sinclair could write in 1825 that a call provided "seldom any obstacle" to the admission of a presentee. To block admission parishioners had to prove the presentee's deficiency in moral conduct or doctrine. Such instances were so rare as to be almost non-existent.[9]

In the late 1820's and early 1830's many Evangelicals strongly complained that the call, which they considered of fundamental importance, had degenerated to a mere form.[10] They resented especially the fact that the precedent of Assembly decisions forced presbyteries to proceed to admission even when few or no parishioners had signed the call.[11] Marcus Dods, primus, Thomson's successor as editor of the

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[8]Clark, Rights of Members, 11; Patronage Report, 21, 40-41, 44; ECI, xxvii (December 1828), 797.

[9]Sinclair, Analysis, ii, 18, 20-21.

[10]See for example ECI, xxiv (September 1825), 582-583, xxv (November 1826), 769; CPR, 2 (April 1829), 2; Debate anent Calls 1832, pp. viii-xi, 2, and passim.

[11]ECI, xxv (November 1826), 770; Patronage Report, 48.

Edinburgh Christian Instructor, compared the situation to English episcopal "elections":

> The whole thing is a mockery and a farce, in which the presbytery are degraded and insulted by being made the actors, the mere tools of the patron, to carry his decree into effect....The choice of a bishop, by the dean and chapter in England, is of a piece with this mockery. They have a congé, a liberty, to be sure, to elect. But what sort of a liberty is it? A liberty to elect the man whom the king appoints, and no liberty to elect any other. So is the liberty of the people, and of the presbytery with us![12]

Evangelicals did not have to seek far for examples of the decline of the call. As has been suggested, there were some instances in which no parishioner signed the document, yet this did not prevent the presentee from assuming his benefice.[13] At other times only "one inhabitant of the parish," "no more than five or six individuals, or even a smaller number, and that, too, in populous parishes," "two non-resident heritors," or "an agent of one of the heritors" subscribed the call.[14] Sometimes the only signatures were those of "individuals not in connexion with our church."[15] The records of Caithness Presbytery, the judicature of the Sinclairs of Ulbster, reveal a pertinent case. One of the

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[12]CPR, 10 (June 1832), 11.

[13]CPR, 5 (May 1830), 7; Debate anent Calls 1832, 10; Patronage Report, 95.

[14]Debate anent Calls 1832, 55 and p. ix; Patronage Report, 95; ECI, xxv (March 1826), 155.

[15]Debate anent Calls 1832, 2.

ministers of the presbytery charged Sinclair of Freswick, a patron, with abusing the call. In the face of vast popular opposition Freswick had presented an aged schoolmaster to the living of Cannisby. Although the patron openly employed coercion upon his tenants and dependents, only six people signed the call,

> one of whom is Servant or General man to Mr. Sinclair; another his servant, in the dotage of age; a third his Tenant is blind, & has not attended Church, for the last fifteen years; a fourth is a Mason, who with his Family resides in Thurso & only happened to be in Cannisby, repairing the Church for two or three weeks, and doing some work for Mr. Sinclair, & the other two are his Tenants.[16]

It is little wonder that Evangelicals charged that under the Moderate régime the call had become a mere paper.[17] One Evangelical cleric called it simply an opportunity for a parish to welcome its new minister, while no lack of welcome could bar his admission.[18]

In the late 1820's complaints against this interpretation of the call swelled the clamor against patronage. The patronage society viewed the demise of the call as one abuse among many in a system of ministerial appointment that it sought to reform. It is understandable, therefore, that the idea of restoring the efficacy of the call arose from

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[16]Caithness Presbytery, 26-45.

[17]Patronage Report, 40; Brown, Letter to Chalmers, 23&n.

[18]Debate anent Calls 1832, 55.

within the society. As early as November 1826 an anonymous supporter of the organization broached the idea in the Edinburgh Christian Instructor. He claimed that the church had absolute power to veto any presentation for any reason. Only erroneous decisions of Assembly had unnecessarily created impotence in the face of presentations. All that was needed was for a General Assembly majority to assert its judicial right to reverse the errors of previous Assemblies.[19] Other writers in the Instructor echoed this proposal.[20] Chalmers himself at one time thought a series of such judicial decisions in the highest ecclesiastical court would be the best way to restore the call. He eventually abandoned this approach as too slow to counter the demand for a total abolition of patronage.[21]

Supporters of the patronage society also preceded Chalmers in proposing that the General Assembly enact legislation to make the call efficacious. Edward Irving, visionary and early nominal member of the society, had pointed in this direction.[22] More important was the work of another, more zealous, member, Alexander Clark, Minister of Inverness,

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[19] ECI, xxv (November 1826), 770.

[20] ECI, xxvi (February 1827), 101; see also ECI, xxvi (June 1827), 434.

[21] Mathieson, iv, 306; see also infra, this chapter.

[22] ECI, xxvii (February 1828), 103.

third charge. Although he had urged the strengthening of the call as early as 1829, his campaign got under weigh in force in May 1831. In that month Clark published a pamphlet that drew wide support. Therein he advocated an enactment by the Assembly to make "the concurrence of the people...indispensable to the regular induction of Ministers."[23] He readily acknowledged that it had been his connection with the patronage society which had led him to undertake his campaign.[24] Clark's pamphlet was the beginning of the successful phase of the movement to restore the call, the movement that resulted in the Veto Act.[25]

The initiation of the campaign to restore the call posed a difficulty for the patronage society. The earliest response to the idea came from James Bridges, the organization's secretary. He warned in May of 1826 that "an effort merely for restoring the ancient right of call, leaving the appointment with the patrons as it is" was "a very insidious proposition."[26] In the report of the society's directors in 1829 Bridges remarked that "when...the adversary...advises us...to be content with the restoration of the mere right of call, we answer no." He added that it had been patronage

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[23]Clark, Rights of Members, especially 21-27.

[24]CPR, 13 (October 1832), 15.

[25]Ibid., 8.

[26]ECI, xxv (May 1826), 352.

that had made the call "powerless, like a noxious vapour extinguishing the poor light which it afforded."[27] Yet as Clark's campaign gained force, the society's response became ambiguous. In May 1832 the Greenock auxiliary welcomed Clark's efforts, while also warning that in the long run nothing less than the abolition of patronage by Parliament would suffice.[28] At the same time the parent national society also cautioned that revival of the right of call could not supersede the organization's goal.[29] In their report for October 1832 the directors attacked those

> who are now sneering or looking cold on the efforts of this Society, while they are labouring for the right of call, and for the firm establishment of patronage along with it.[30]

On the other hand, the same October 1832 meeting that heard this directors' report also loudly cheered Clark for his work to restore the call.[31]

The anti-patronage society found itself in a difficult predicament. It distinguished between such friends as Clark, who advocated the call as good in itself, but not necessarily a barrier to abolition, and those who, like Chalmers and Moncreiff, saw the call as the means to save

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[27] 4 PAMPS (1829), 3.

[28] CPR, 12 (September 1832), 2.

[29] CPR, 10 (June 1832), 3.

[30] CPR, 13 (October 1832), 7.

[31] Ibid.

patronage. Yet the distinction did nothing to solve the dilemma. What position was the society to take? How were its officers and supporters in the Assembly to vote? To oppose the call's restoration was to oppose a measure of patronage reform, yet to support it was likely to handicap the movement for abolition.

The General Assembly, through which proponents of the call sought to effect their reform, was of course the supreme court or council of the church. Established at the Reformation, the General Assembly originally was "like an ecclesiastical version of the estates of the realm," the constituencies that composed the Scottish Parliament.[32] By the early nineteenth century the Assembly had become more purely a council of the church. Nonetheless the lack of a Scottish Parliament, the presence of the king's representative (the Lord High Commissioner), and the membership of leaders of the landed interest and the law as well as the clergy, gave the Assembly something of the appearance of a national legislature.[33] In its ecclesiastical powers the General Assembly was, and is, supreme judicially, legislatively, and administratively. The three lower levels of judicatures--synods, presbyteries, and parochial kirk-

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[32]Stewart Mechie, The Office of Lord High Commissioner (1957), 4; see also Robert S. Rait, The Parliaments of Scotland (1924), 15 and Donaldson, Church and Nation, 61.

[33]See for example Cockburn, Jeffrey, 173-175.

sessions--are all subordinate to it.[34] Meeting in Edinburgh for about twelve days each May, the supreme court consisted in the late 1820's and early 1830's of about two hundred clergymen and about one hundred and sixty lay elders. The ministers, usually elected under a system of rotation, represented the presbyteries. The laymen represented either presbyteries or royal burghs. In addition each of the five universities sent a representative, either a minister or a lay elder.[35] The real power in the Assembly lay with the leaders of the majority party, until 1834 the Moderates.

Immediately following the formation of the patronage society the General Assembly witnessed a few feeble attempts to persuade it to undertake the reform of patronage. In 1825 the Presbytery of Tongue (north Sutherlandshire), the four ministers of which were strong Evangelicals,[36] requested the Assembly to take such action. The presbytery asked the

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[34]R. Stuart Louden, The True Face of the Kirk (1963), 48, 50; G. D. Henderson, Church and Ministry (1951), 185; Leonard J. Trinterud, The Forming of an American Tradition (1949), 346n; Patronage Report, 43.

[35]G. D. Henderson, The Claims of the Church of Scotland (1951), 202; Sir James Wellwood Moncreiff, Lord Moncreiff, ed., Sir Henry Moncreiff Wellwood, A Brief Account of the Constitution of the Established Church of Scotland.... (1833), Appendix, 7n; Sinclair, Analysis, ii, 24; "Layman," Hints, 14; Patronage Report, 339, 346-347; Edinburgh Presbytery, xix, 4, 33-34, 119; University Report 1831, 175, 285, 333, 363.

[36]Scott, Fasti, vii, 103-110.

supreme court to consider the grievances of patronage and to

> adopt such measures as shall tend to restore to the christian people that voice in the settlement of their ministers, which originally belonged to them by the constitution of the church.[37]

The Assembly virtually ignored this overture from Tongue. A petition from the Lesmahago (Lanarkshire) Anti-patronage Society met the same response the following year. This auxiliary of the national organization announced its intention of petitioning Parliament for repeal of the Act of Anne and asked the help of the General Assembly. The Lesmahago auxiliary wanted the Assembly of 1826 to revive the instruction to the Commission of Assembly, the church's interim council, to attempt to persuade Parliament to abolish patronage. Such an instruction had been issued annually from 1736 to 1783, but in 1826 there was no support in the Assembly for its restoration.[38]

The attempt of a presbytery to arouse the Assembly of 1827 also failed. On 1 May 1827 the Presbytery of Irvine (all but one parish of which lay in Ayrshire), a court with nineteen clergymen, agreed without dissent to overture General Assembly. The presbytery asked the supreme court to consider "petitioning Parliament to restore the right of electing their own pastors to the people of Scotland." The

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[37] Patronage Report, Appendix, 3.

[38] ECI, xxv (August 1826), 532-533.

presbytery sought repeal of the Act of Anne, which it alleged had deprived the people of their fundamental right.[39] When the overture came before the Assembly, Sir Henry Moncreiff Wellwood, leader of the Evangelicals, sitting in what was to be the last Assembly before his death, remarked to Professor George Cook of St. Andrews, the Moderate leader, that

> It must be a very foolish Presbytery that sent up this overture; that question was long agitated, but it is now well and happily settled, and ought not to be opened again....Rise up and move that it be dismissed as inexpedient, and I will second the motion.[40]

Cook followed Sir Henry's lead and the General Assembly unanimously agreed to dismissal.[41] In 1827 the Evangelical leadership no more desired reform of patronage than did the Moderates.

The Assembly of 1827 was also the one which ordered the Presbytery of Caithness to induct the aged schoolmaster into the living of Cannisby.[42] The people had appealed to the supreme court, contending that the presentee was "indolent," "unedifying," and "repulsive."[43]

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[39] Patronage Report, Appendix, 22.

[40] Patronage Report, 337.

[41] ECI, xxvi (July 1827), 550, (December 1827), 819-820.

[42] Supra, this chapter.

[43] Caithness Presbytery, 26-45, 67, 70.

The subject of patronage did not again come before the General Assembly until 1829, and then only briefly. The previous year an Aberdeen clergyman had suggested to his city's anti-patronage auxiliary that the question be introduced for debate when Andrew Thomson "is a Member of Assembly, for we all know that he can shake the dry bones to purpose. (Great applause.)"[44] In April 1829 the national society urged presbyteries and parishes to petition the ensuing Assembly.[45] Only Lesmahago responded. A petition from over three hundred people asked that the grievance of patronage be removed.[46] The lone petition did at least permit a brief interchange. Major Andrew Leith Hay, who was to sit in 1834 on the House of Commons select committee on the subject, attacked the patronage society and its notion of popular choice of pastors. Thomson, now occupying the leader's seat on the Evangelical side, replied "in his best style." He defended both the society which he headed and its advocacy of the rights of the people. On patronage, however, Thomson did not represent the mind of the majority of the party that he led. He saw little point in attempting

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[44] 3 PAMAA (1828), 10.

[45] CPR, 2 (April 1829), 1-2.

[46] SRO, "Miscellaneous Assembly Papers: Petitions anent Chapels of Ease and Patronage, 1828-1832 and Rothesay Gaelic Petition 1834" (CH.1/5/85).

to push the subject in General Assembly.[47]

Although Thomson never attempted to reform patronage through the Assembly, some supporters of the movement did. Especially important in this effort was Alexander Clark's influential pamphlet of May 1831 on the need to restore the call. Previously, however, Clark had attempted to move the Assembly of 1830 to action on the call. On 27 April 1830 the Synod of Moray rejected, by a vote of twenty to nine, Clark's proposal that it overture General Assembly on the subject. Clark's opponents in the synod protested that requiring a call signed by a majority of male communicants in order to induct a presentee "would lead to constant collision between the ecclesiastical and civil laws of the country."[48] He was unable to persuade either his own synod or even his own Presbytery of Inverness to overture General Assembly. Clark's friends nonetheless got the Synod of Caithness and Sutherland and two of its presbyteries (Caithness and Tain) to send overtures with the same request to the 1830 Assembly.[49] That Assembly also received petitions from people in Lesmahago and Glasgow asking the court to seek

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[47] CPR, 3 (July 1829), 1; 4 PAMPS (1829), 4.

[48] CPR, 5 (May 1830), 7-9.

[49] CPR, 6 (June 1830), 1; Caithness Presbytery, 143; Patronage Report, Appendix, 12-13.

repeal of the Act of Anne.[50] Clark, who as an individual member of Assembly had also submitted an overture on calls, tried to lead a debate on the subject. He found himself, however,

> outmanoeuvered in the Assembly by the great Doctors; who contrived to make the overtures on this subject... the very last cause taken up on the last Monday of its sittings; so that as the Moderator was burning to deliver his charge, and the Commissioner his speech, and the fumes of...dinner were rising in the nostrils of the whole House, it was vain to attempt a discussion, and the overtures were withdrawn.[51]

The 1831 Assembly gave no greater welcome to either patronage reform in general or the call in particular. Some of Clark's supporters in the patronage society had suggested that petitions and overtures be sent to General Assembly that year,[52] but few resulted. Some inhabitants of Glasgow did petition for redress of the patronage grievance, but their plea fell on deaf ears.[53] Overtures on the call from the Presbyteries of Forfar and Lauder got no hearing either.[54]

Individual cases in the Assembly of 1831 further showed the strength of the status quo. In three instances

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[50]SRO, "Miscellaneous Assembly Papers: Petitions anent Chapels of Ease and Patronage, 1828-1832 and Rothesay Gaelic Petition 1834" (CH.1/5/85).

[51]CPR, 6 (June 1830), 1.

[52]CPR, 8 (January 1831), 24.

[53]CPR, 9 (May 1832), 1-3.

[54]ECI, xxx (June 1831), 463, Patronage Report, Appendix, 1-39.

of contested presentations the Assembly upheld the patron and presentee.

In the case of Auchtergaven, Presbytery of Dunkeld, General Assembly dismissed the objections of a number of parishioners to the settlement of Thomas Nelson as assistant and successor. Nelson, presentee of the Crown, had been the unsuccessful nominee of the king in the well-known case of Little Dunkeld in 1826.[55] The petitioners from Auchtergaven had pleaded that their minister did not need an assistant. As part of the Assembly's proceedings in the case the Moderate leadership defeated an attempt of Dr. Patrick McFarlan to include in the governing motion a statement favorable to calls. McFarlan had moved to sustain the presentation because "it was to be presumed that the call to Mr. Nelson was sufficiently signed...."[56]

In a second case the Assembly overruled the Presbytery of Abertarph (western Inverness-shire) for refusing to settle a presentee at Kilmallie. The lower court had objected that the patron, Cameron of Lochiel, had not taken the proper loyalty oaths. The supreme court pointed out that Lochiel's commissioner, who had made the presentation, was qualified.[57]

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[55] Supra, chapter nine.

[56] ECI, xxx (June 1831), 451-452.

[57] Ibid., 442-443.

In a third case (Avoch, Presbytery of Chanonry, Rossshire) the 1831 Assembly held, against parishioners, that, since no minister of the parish for over a century had had Gaelic, a presentee could not be disqualified for lack of it. The Synod of Ross had wanted to survey the need for Gaelic in the parish, but the Assembly found this unnecessary.[58]

Yet if the General Assembly in 1831 gave no encouragement to any questioning of patronage, its proceedings did show some increase of Evangelical strength. For one thing, an Evangelical advocate won election as Procurator of the church. Between the death on 3 April of the incumbent, Sir John Connell, and the Assembly in May, five candidates, including Alexander Dunlop of the anti-patronage society, vigorously campaigned for the life-time office. Dunlop and another dropped out before the voting on 19 May. The Moderates split their support between two candidates, who together received 174 votes, but the Evangelicals united behind Robert Bell to give him the victory with 140 votes.[59] It was in this Assembly too that Evangelical leaders carried the Moderates with them in finding Edward Irving guilty of heresy.[60]

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[58] Ibid., 453-454, see also 458-459.

[59] ECI, xxx (April 1831), 304, (May 1831), 385-386, (June 1831), 439-440. One account gives Bell 137 votes.

[60] Supra, chapter ten.

Evangelical proponents of patronage reform thought they saw in 1831 some encouraging signs that General Assembly was generally moving in a more Evangelical direction.[61]

Agitation over the call brought a full debate on the subject in the Assembly of 1832. Although the Moderates succeeddd in preventing any action, the advocates of reform forcefully brought the question before the church and the nation.

Much of the impetus behind the introduction of the subject into the 1832 Assembly can be traced to Clark's pamphlet of May 1831.[62] Seventy-three pages in length and published at Inverness, the title suggests the thesis:

> Rights of Members of the Church of Scotland: A Letter to the Ministers and Elders of the Established Church of Scotland, on the Concurrence of the People Who Are in Full Communion with the Church, Previous to the Induction of Parochial Ministers.

Clark declared that the General Assembly ought to order presbyteries to refuse to induct a presentee if a majority of communicant male heads of families had not signed a call. He believed that the church had the right to insist on such a requirement because presbyteries had the responsibility of judging a presentee's qualifications. General Assembly, Clark held, could define ministerial qualifications as

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[61] ECI, xxx (July 1831), 505; CPR, 9 (May 1832), 6. See also ECI, xxx (June 1831), 452, 463-464.

[62] CPR, 9 (May 1832), 3; supra, this chapter.

including such a strong call.[63] He urged presbyteries and synods to send up overtures to the next Assembly, recommending legislation to that effect.[64] Although the leadership of the anti-patronage society offered Clark's campaign no official sanction, some members supported him and a handful of peittions resulted.[65]

More important was the response Clark's plea obtained from synods and presbyteries. Three synods (out of a total of sixteen) and eight presbyteries (out of a total of seventy-nine) sent overtures to the Assembly of 1832. Although these requests differed in details, all urged ecclesiastical legislation making a strong call necessary for induction.[66]

The Assembly of 1832 agreed to consider these overtures and on 24 May William Clugston, Minister of Forfar, appeared at the bar to open the proceedings for the overturing courts. A powerful speaker and popular Evangelical divine, Clugston had been designated by the proponents of the various overtures as their primary advocate. He

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[63]Clark, Rights of Members, 39, see also 63-64.

[64]Ibid., 40, see also 69.

[65]CPR, 9 (May 1832), 3, 14, 12 (September 1832), 4-5; SRO, "Miscellaneous Assembly Papers: Petitions anent Chapels of Ease and Patronage, 1828-1832 and Rothesay Gaelic Petition 1834" (CH.1/5/85); 6 PAMAA (1831), 6.

[66]Debate anent Calls 1832, pp. vii-xii; Patronage Report, Appendix, 1-39.

emphasized that the effort to strengthen the call was not an attack on patronage, but simply an attempt to render the system of pastoral appointment properly constitutional. The measure was essential, he held, in order to strengthen the church against disestablishmentarianism and the general loss of the people's affection.[67] Two other representatives of the overturing synods and presbyteries seconded Clugston.[68]

John Cook, Minister of Laurencekirk, Presbytery of Fordoun, and nephew of George Cook, the Moderate leader, spoke at the bar in opposition as a member of the dissenting minority in the Synod of Angus and the Mearns. The young Moderate claimed that the actual intent of the overtures was to overthrow patronage. He argued that to enforce the call as urged was to give the people a veto that in effect deprived the patrons of the power of appointment. The proposal was obnoxiously radical, "setting out on a pilgrimage of change, of which no man can tell the termination." To give the people a "sovereign and uncontrollable" right to which they had no title was to "convert every parish into a field of party division." In any case, young Cook concluded, most of the people bore the church true affection as it was and wished no change.[69] A later Evangelical speaker

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[67] Debate anent Calls 1832, 1-2, 4-5, 11, 20-21.

[68] Ibid., 6-8, 12-20.

[69] Ibid., 21-26.

belittled Cook's advocacy as that of

> a young reverend gentleman...who came nobly forth as a knight-errant in defence of absolute patronage, of which he seemed greatly enamoured...expending...a very unnecessary quantity of pathos in deprecating the evils which in his opinion would result from departing from it.[70]

Following the opening salvos by Clugston and company for the Evangelical proponents of reform and by John Cook for the Moderates, an Evangelical leader, the Reverend Dr. Robert James Brown, Professor of Greek in Marischal College, Aberdeen,[71] rose to place a motion before the house. Son of the late William Laurence Brown, Principal of Marischal and Dean of the Thistle and of the Chapel Royal, Professor Brown sat in the Assembly as commissioner from the Presbytery of Aberdeen.[72]

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[70] Ibid., 51-52.

[71] Scott, Fasti, vi, 307; William Ewing, ed., Annals of the Free Church of Scotland, 1843-1900 (1914), i, 105; Masson, Two Cities, 284-285.

[72] Debate anent Calls 1832, 28, 94. Brown was an ordained clergyman sitting in place of a lay elder for the Presbytery of Aberdeen. Thus also in the Assembly of 1832 (Ibid., 95) George Cook, the Moderate leader, ordained clergyman and professor at St. Andrews, sat in place of a lay commissioner for the Burgh of Bervie. These instances appear counter to the decision of the Assembly of 1829 to refuse Edward Irving's commission to sit as a lay elder from the Presbytery of Annan (see John Guthrie Tait, ed., The Journal of Sir Walter Scott (1950), 641-642 and Whitley, Irving, 26.)

Brown moved to refer the overtures to a committee of the Assembly with instructions to report the following year. He referred to the call as "a subject of great importance," and in support of the need for some reform he declared that in neglecting the call the church had departed from its constitution. The Act of Anne did not abrogate the need for a proper call to precede induction. To restore the efficacy of the call was not to infringe on the just rights of patrons, but to enforce the constitutional rights of the people, who, Brown added, had proven in a number of recent instances their ability to exercise a measure of choice.[73]

From the Moderate side the Right Honourable David Boyle, Lord Justice Clerk, took the floor to oppose Professor Brown's motion. His lordship insisted that so radical a change could only be justified by the existence of overwhelming evils in the church caused by the current system. In fact, all was well with the kirk and "the people were fully satisfied" with patronage. To implement the proposal of the overtures would violate the legal rights of patrons, "from the king down to the lowest of his subjects." He attacked the proponents of strengthening the call as cowards, who, instead of "going forward in a manly manner to Parliament" for alteration of statutory provisions, were seeking to undermine the law of the state through ecclesiastical

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[73] Debate anent Calls 1832, 29-35.

measures. If enacted, Brown's motion would be the first step in introducing "an universal confusion in the land."[74]

Another Moderate speaker, Alexander Maxtone, Minister of Fowlis, Presbytery of Auchterarder, emphasized the illegality of giving effect to the requests of the overtures, asserting that the overtures arose from "a misconception of the law of the country, and the power of the General Assembly." To enforce the call in the way Clark, the overtures, and their supporters desired, was to go beyond the authority of the church and to usurp the prerogative of the state. Further, to require such a call "would paralyze" the church, for the people would block presentee after presentee, no matter how well qualified, until the patron gave way to their choice.[75]

The seconder of the Evangelical motion, Henry Duncan, Minister of Ruthwell, Presbytery of Annan, tried to persuade the fathers and brethren that the necessity for reform was serious indeed. Accomplished artist, enlightened savant, influential journalist, and founder of the savings bank movement, Duncan had been a close colleague of Andrew Thomson in the vanguard of the Evangelical revival.[76] Later

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[74]Ibid., 35-37.

[75]Ibid., 37-38.

[76]For Duncan see Disruption Worthies, ii, 223-230; DNB, vi, 165-166; Scott, Fasti, ii, 255-256; National Library of Scotland, Lundie MSS., passim. To Thomas Carlyle,

a noted leader of the Disruption, he had been a strong advocate of patronage reform since 1827. He warned the 1832 Assembly that the "empty mockery" of the call as it then stood was exciting many of the Scottish people to hostility toward the church, and that "it would be ruinous" not to reform.[77]

Duncan Macfarlan, Principal of Glasgow University, rose from the Moderate ranks to propose a counter motion. He urged that appointment of a committee would imply that there might be some substance to the case of the overtures. Terming the call a "mockery" simply showed ignorance of the kirk's constitution, and to countenance the notion that the call needed reform was to encourage the enemies of the establistment. He therefore moved "that the Assembly judge it unnecessary and inexpedient to adopt the measures recommended in the overtures now before it."[78]

Two Moderates who followed Principal Macfarlan elaborated on the idea that the Church of Scotland needed no reform. Alexander Stewart, scholarly Minister of Douglas, Presbytery of Lanark, sought to enforce the point by

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Annandale's most famous son, Duncan was the "kindliest of men; to me pretty much a unique, the one cultivated man whom I could feel myself permitted to call friend as well." (Scott, Fasti, ii, 255.)

[77] Debate anent Calls 1832, 40-44.

[78] Ibid., 45-51.

referring to the fact that an internationally distinguished divine was presiding over General Assembly that year. The Moderator was Chalmers, whom Stewart called

> a person whose fame has gone...through the greater part of the civilized world--a star, indeed, of the first magnitude, yet grouped in a galaxy of stars of no mean lustre....[79]

Robert Whigham, the loquacious Moderate lawyer, besides emphasizing that the status quo could not be improved upon, detailed the many evils occasioned when popular choice had encroached upon patronage.[80]

Other Evangelical spokesmen largely reiterated and illustrated their side's arguments.[81] With Chalmers silent in the chair, Lord Moncreiff's concluding remarks for the Evangelical leadership took on additional weight. The judge tried particularly to counter the legal opinion of the Lord Justice Clerk. Unlike his Court of Session colleague, Moncreiff held that only the restoration of a strong call would bring the church into conformity with its own constitution and with the law of the land.[82]

When put to the vote, Macfarlan's motion clearly carried over Brown's; the Moderates without much difficulty

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[79] Ibid., 57-58.

[80] Ibid., 64-87.

[81] Ibid., 51-56, 59-64.

[82] Ibid., 89-91.

had defeated the Evangelical attempt to strengthen the call. General Assembly consisted in 1832 of 351 commissioners, 205 of whom were ministers from presbyteries and universities while 146 of them sat as lay elders from presbyteries and burghs. Of the total of 351, 139 (84 ministers, 55 lay elders) were absent or abstained from the vote. Of the 232 who voted, 127 (68 ministers, 59 lay elders) supported Macfarlan's motion, 85 (53 ministers, 32 lay elders) Brown's.[83]

The few leaders of the patronage society who sat in the Assembly of 1832 voted for Brown's motion.[84] Strengthening the call did not then seem as opposed to the society's interests as it shortly was to appear. In fact restoring the efficacy of the call could seem one way toward patronage reform.[85] Only in the months just after May 1832 did the society turn totally to the campaign for abolition--a turn which undoubtedly owed something to the failure of the Evangelicals to effect reform through the 1832 Assembly.[86] Doubtless too, the debate in that Assembly helped to swell public sympathy for the society's efforts.

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[83] Ibid., 94-98.

[84] Ibid., 94.

[85] CPR, 14 (January 1833), 5; ECI, xxxi (November 1832), 759.

[86] For reaction see for example What Is the Popular Party to Do?, 23.

As the campaign to strengthen the call, and its frustration in the Assembly of 1832, moved many to support the anti-patronage society's abolition attempt, so the swelling volume of abolitionist sentiment persuaded the Evangelical leadership to propose what came to be called the veto. Asked his opinion of the anti-patronage movement by the Whig government in February 1833, Chalmers deferred a full answer until April. He concluded then that the best remedy was to persuade General Assembly in its judicial capacity to decide future cases in favor of the necessity of a strong call. On the eve of the Assembly meetings in May 1833, however, the other Evangelical leaders rejected Chalmers' proposal and instead adopted the idea of the veto. Under this it would be possible for a majority of communicant heads of families in a parish simply to prevent the admission of any presentee. Lord Moncreiff persuaded Chalmers that General Assembly had the power to enact the veto and that there was no need to seek ratification from Parliament. Chalmers agreed to introduce the measure in the ensuing session of the church's legislature.[87]

In planning their attempt to secure this reform the Evangelical leaders were responding to strong pressure from within their party. Forty-two synods and presbyteries had

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[87]Hanna, Chalmers, iii, 350-354; see also supra, chapter eleven.

sent overtures to the Assembly asking for action to secure the rights of the people.[88] Various pamphlets had been arousing support for amendment of the status quo.[89] At least one presbytery (Lorn) and one influential tract urged the Assembly to join the campaign for the abolition of patronage.[90] On 24 April Dr. John Brown, Minister of Langton, Presbytery of Duns, and prominent Evangelical, published a pro-reform pamphlet in which he remarked of the members of the following month's Assembly that "the eyes of many will be directed towards them with a depth, an ardour, and an intenseness of feeling, which have seldom been equalled...."[91]

The realities of ecclesiastical politics sobered expectations as Scotland awaited the 1833 meeting of the supreme court of its national church.[92] George Cook, the Moderate leader, had been hoping for a compromise acceptable to both parties, but the climate of the day was not conducive

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[88]Hanna, Chalmers, iii, 351; Patronage Report, Appendix, 1-39; CPR, 13 (October 1832), 19; Caithness Presbytery, 237.

[89]"Minister," Patronage and Calls; What Is the Popular Party to Do?; Brown, Letter to Chalmers; McFarlan, Popular Election, Patronage, and Calls; Question of Church Patronage.

[90][M'Crie], Present Crisis.

[91]Brown, Letter to Chalmers, 24.

[92]See for example What Is the Popular Party to Do?, 34.

to accommodation.[93] Chalmers' acquiescence in the veto assured deep divisions between the Moderates, the pro-veto majority of Evangelicals, and the Evangelical minority which sought the abolition of patronage. The anti-patronage society labeled the pro-veto, Chalmers-Moncreiff Evangelicals "the Middlemen," placing them between themselves ("the Orthodox") and the Moderates.[94]

Thomas Chalmers introduced the veto proposal before the Assembly of 1833 with an impressive speech. Solicitor-General Cockburn, who was sitting beside the great orator, recorded that "his views and statements blazed with the fire of his volcanic imagination."[95] Chalmers opened by attacking popular election, with all its danger of demagoguery.[96] He was not opposed to patronage, simply to "violent intrusion." The remedy for this, he declared, was not a new law, but rather a proper interpretation of "the law of Calls."[97]

At the core of Chalmers' veto proposal was the principle that, if a majority of communicant male heads of families in a parish opposed a presentation, the presbytery

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[93]Patronage Report, 349, 382.

[94]CPR, 16 (September 1833), 1.

[95]Cockburn, Journal, i, 45-46.

[96]Hanna, Chalmers, iii, 354; John M'Kerrow, History of the Secession Church (1839), ii, 496-497.

[97]Hanna, Chalmers, iii, 355.

could not admit the presentee. Chalmers argued that "in this power of a negative on the part of the people there is nothing new in the constitution or practice of the Church of Scotland." He cited in support the Second Book of Discipline of 1578, the Act of Assembly of 1649, and the Act of Parliament of 1690. One point in his proposal, he conceded, was novel: that the vetoing majority need not give their reasons. This Chalmers defended on the ground that common folk often lacked the sophistication to articulate successfully their valid religious insights. Patron, presentee, or a minority of parishioners could challenge the motives of the majority, but the burden of proof lay on the challengers. Chalmers moved that General Assembly declare the veto to be the law of the church and that it appoint a committee to report to the Assembly of 1834 on how best the law could be implemented.[98]

The Moderates, under Cook's leadership, proposed to the Assembly a counter motion which represented something of a concession to the Evangelicals. Cook moved that General Assembly adopt a declaratory act interpreting existing law to mean that parishioners could object not only to a

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[98]Ibid., 356-360 (whence the quotation); A. H. Charteris, "The Church of the Nineteenth Century to 1843," The Scottish Church from the Earliest Times to 1881 (St. Giles' Lectures, First Series, 1881), 309; Patronage Report, 23-24, 48; Mathieson, iv, 305-306; for the documents cited by Chalmers see supra, chapter one.

presentee's life and doctrine, but also simply to his suitability for their particular parish. If communicant heads of families raised objections on any of these points the presbytery must judge them. In Cook's opinion the veto principle was strongly ultra vires, but his own proposal enjoyed the sanction of the laws of both church and state. Cook had believed since at least 1816 that unfitness for a specific charge could be a valid objection, even holding that the people could properly claim a presentee unqualified on the ground of "coldness." However, only the popular pressures of the early 1830's had enabled Cook to persuade the other Moderate leaders of his interpretation's merits. His motion also called for a committee to recommend to the next Assembly the method of implementing his proposal.[99]

The Assembly of 1833 supported the Moderate motion over the Evangelical. Cook's proposal carried by 149 votes to 137 for Chalmers'. Nevertheless, twenty-one more ministers voted for the veto than for the Moderate countermeasure. However, the votes of the Moderate lay commissioners and Chalmers' inability to obtain complete Evangelical backing for his motion enabled the Moderate party to retain

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[99]Cockburn, Journal, i, 44-45; Edinburgh Presbytery, xx, 60-61; Patronage Report, 48, 136, 299, 345-346, 350, 377-379; Charteris, "The Church of the Nineteenth Century to 1843," 311.

dominance for that year.[100] In the ensuing months presbyteries began to operate under Cook's new declaratory act[101] even as the partisans of the veto were gathering strength.

The Evangelical minority associated with the anti-patronage society did not let their abolitionist convictions go unexpressed in the General Assembly in 1833. Office-bearers of the society in the house moved that the supreme court instruct its Commission to appeal to Parliament to abolish patronage. Predictably, the motion failed, with only thirty-three commissioners voting for it while 134 opposed it.[102]

The proponents of the abolition of patronage were now more than ever convinced of the necessity of repealing the Act of Anne and instituting some form of popular choice.[103] The veto proposal they considered totally inadequate to the demands and dangers of the day. The failure of the Assembly of 1833 even to pass that measure turned more popular support to the abolition movement.[104] George Sinclair, who had an

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[100]Cockburn, Journal, i, 45; Hanna, Chalmers, iii, 360; ECI, xxxii (1833), 692; Patronage Report, 306.

[101]See for example Edinburgh Presbytery, xx, 60-61.

[102]Cockburn, Journal, i, 44; Mathieson, iv, 313; CPR, 16 (September 1833), 1.

[103]3 Hansard, xix (1833), 705-706; CPR, 16 (September 1833), 1, 3.

[104]Patronage Report, 147, 157.

immense respect for the Evangelical leader, tried to persuade Chalmers that abolition, rather than the veto, was the wisest course for the church. Late in July 1833 the anti-patronage society president still hoped that the great doctor might yet espouse abolition.[105] Chalmers, however, remained a defender of patronage. His veto proposal, therefore, came under strong attack from the anti-patronage Evangelicals as Scotland awaited the 1834 meeting of General Assembly.[106]

That meeting, the Very Reverend Principal Hugh Watt has written, "was to prove one of the most determinative in the whole history of the Church of Scotland."[107] Passage of the Veto Act ended the movement for patronage reform and began the Ten Years' Conflict that led to the Disruption. "The decision," Élie Halévy has written, "embittered a struggle which for years to come would afflict Scottish Presbyterianism."[108]

Even though all the momentous consequences could not be apparent in 1834, church and nation realized, as the

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[105] 3 Hansard, xvii (1833), 1385; CPR, 17 (December 1833), 12.

[106] See for example Patronage Report, 24, 388-389.

[107] Hugh Watt, Thomas Chalmers and the Disruption (1943), 129.

[108] Élie Halévy, The Triumph of Reform, 1830-1841, Volume III of A History of the English People in the Nineteenth Century (second edn., 1950), 165.

opening of the Assembly approached, the great importance of that year's meeting. People considered and discussed the status quo of patronage and the proposals for reform or abolition. The Chalmers-Moncreiff Evangelical leadership expected victory for the veto. The Moderates under Cook hoped to prevent it. The Evangelical minority led by Sinclair, which sought the abolition of patronage, persisted in its approach to Parliament, hoping that the report of the House of Commons select committee would be a step in that direction. The Whig government, tired of the controversies in what Solicitor-General Cockburn called "that cursed Church," prepared to support the veto as the solution to Scotland's ecclesiastical problem.[109]

The competition of the contending groups to get their adherents elected to the 1834 Assembly was keen indeed. The small margin of Moderate victory the previous year encouraged contests in the presbyteries and burghs.[110] With most presbyteries observing the usual rotation in selecting clerical commissioners,[111] the greatest election efforts centered on the lay elders' seats. The Edinburgh Christian Instructor even issued a manual on the selection of commissioners.

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[109] Patronage Report, 51, 139, 196, 377, 381, 388, 421; Cockburn, Affairs of Scotland, 512.

[110] Watt, Chalmers and the Disruption, 129.

[111] Patronage Report, 346.

That Evangelical journal, however, no longer served as organ of the society which Thomson had founded, but now espoused the veto.[112]

A highly important factor in determining the membership of the supreme court was that 1834 was the first year in which the newly reformed town councils, rather than the old close corporations, chose the burgh representatives. This meant, because of a larger popular voice, including at times even seceders or voluntaries, that more Evangelicals won election than ever before.[113] Cook concluded that the presence of this "new class of men" would decide the issue. The Moderate leader added that these were elders

> totally unacquainted with church proceedings, and who conceive that it is their duty to reform the Church, as it had been to reform the state. We are losing what we call the aristocracy of Scotland....I conceive this year to be a peculiarly bad year....I have no doubt that we shall get our old elders back again, but that will not be for some time; and I look forward with great apprehension to what is to be the result of the next General Assembly....[114]

On 1 May Cook conceded that the election returns indicated a victory for the veto by a margin of ten to six.[115]

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[112]ECI, xxxiii (January 1834), 1-8, (April 1834), 256-257; John Wilson, An Historical View of the State of Church Patronage in Scotland; with a Summary of the Arguments Advanced in Support of the Various Plans Proposed for Removing the Evils of the Present System (1833), 39.

[113]Halévy, Triumph of Reform, 164; Patronage Report, 347.

[114]Patronage Report, 340.

[115]Ibid., 346.

Evangelically-dominated presbyteries also had taken care to select lay commissioners of whose loyalty they could be sure. Undoubtedly a few presbyteries, especially in the Highlands, were more distinctly Evangelical that year because the Assembly of 1833 had admitted the ministers of the Parliamentary churches into presbytery membership.[116] The case of the Presbytery of Forres illustrates an Evangelical presbytery's effort to seek the right layman for an Assembly seat. The Presbytery of Forres wanted a lay commissioner pledged to the veto. The first choice was Lord Moncreiff, who declined. The presbytery then wrote to Chalmers for a nominee. Before the great divine replied, Sir George Clerk of Penicuik, former Tory Home Secretary, inquired about the seat. He learned that if he could support the veto and get Chalmers' backing the commission was his, but Sir George, a Moderate elder, supported Cook's position.[117] So the presbytery instead named William Young, Edinburgh lawyer, active Evangelical elder, and Law Agent to the Church of Scotland.[118]

In addition to the Moderates and the pro-veto

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[116]Mathieson, iv, 290; Caithness Presbytery, 240-241; for the Parliamentary churches see supra, chapter two.

[117]SRO, Clerk of Penicuik Muniments, Box 138, item 4108, Sir George Clerk to Sir William Cumming of Altyre, 6 April 1834, and Box 124, item 3337, Clerk to Cumming, 11 April 1834 (misdated 1832).

[118]Acts of the General Assembly, 1834, 13; Edinburgh Almanack 1825, 229, 234, 322, 329, 336, 338; Scott, Fasti, viii, 746.

Evangelical leadership, the anti-patronage society also sought to obtain representation.[119] A perusal of the membership list indicates that at least eight directors of the society, as well as some other supporters, won seats. While the session of Parliament and ill health kept George Sinclair from accepting a commission, James Bridges, the society's secretary, and Alexander Dunlop, the energetic advocate, were both in the Assembly.[120]

As in the previous year, so in 1834 a number of lower courts overtured General Assembly on the patronage question. Struggles within some judicatures were keen. In the important Presbytery of Edinburgh, for example, lay directors of the anti-patronage society made a strong, if unsuccessful, attempt to get the court to espouse abolition. But if they failed, so did the capital's Moderates. The pro-veto Evangelicals got an overture endorsing their position, however, only by phrasing it as a distinct restriction on patronage.[121] Of the various synods and presbyteries that decided to overture, some did urge the Assembly to petition Parliament for abolition. More, however, supported the principle of the

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[119] CPR, 16 (September 1833), 3-4.

[120] Acts of the General Assembly, 1834, 10-18.

[121] Edinburgh Presbytery, xx, 171-172, 176, 181, 184-189, 197-198; [Andrew Balfour], A Speech Delivered in the Presbytery of Edinburgh, on the Subject of Church Patronage, April 30, 1834 (n.d.); Patronage Report, 376.

call and enactment of the veto.[122]

General Assembly turned to the overtures on the call and the veto on Tuesday, 27 May 1834, the fifth day of its sitting. The subject consumed most of the day's session. Since remodeling had caused acoustical problems in the Assembly Aisle of St. Giles', the Assembly met that year in the Tron Church, a stone's throw east in the High Street from the cathedral. The Moderator in this important year was Patrick McFarlan, Evangelical Minister of the West Church of Greenock and influential supporter of the Chalmers-Moncreiff position.[123]

Since Chalmers was recovering from a stroke and not a member of the Assembly, Lord Moncreiff moved the adoption of the veto. This was not inappropriate for it was his lordship who had persuaded Chalmers the year before to support that method of strengthening the call. As he opened his speech on 27 May the great lay leader remarked: "I think this will be an important day in the history of the church."[124] Lord Moncreiff, however, could hardly have foreseen that the day's decision would precipitate what one

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[122]Acts of the General Assembly, 1834, 52, 59; Patronage Report, Appendix, 1-39; Caithness Presbytery, 254-255.

[123]Acts of the General Assembly, 1834, 43, 51-52; Buchanan, Ten Years' Conflict, i, 244-245; supra, chapter eleven.

[124]Buchanan, Ten Years' Conflict, i, 246-247.

writer has called "one of the greatest ecclesiastical convulsions of modern times."[125] Moncreiff stressed early in his oration that he urged the veto in order to save patronage. The measure, he emphasized, was designed

> to stem the force of excitement and agitation which many of us think has been greatly increased by the rejection of this motion in two former assemblies.[126]

Lord Moncreiff's words carried great weight not only because he led the Evangelical party, standing in the illustrious place of both his late, revered lineal father and his current spiritual father, but also because he was one of Scotland's supreme civil judges. He provided the legal rationale for the veto. He claimed that the Act of 1690 had given the right of presentation to heritors and elders, with the provision that presentees had to be submitted to the people for approval. The Act of Anne of 1712 had merely transferred presentation to the old patrons without abrogating the people's rôle. The veto was a logical way of implementing that rôle.[127] One acute historian has suggested that Moncreiff's support of the veto was the most important

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[125] Ibid., 247.

[126] Ibid.; see also Patronage Report, 219, 306 and Turner, Secession of 1843, 160-161.

[127] Buchanan, Ten Years' Conflict, i, 248; see also Patronage Report, 21, 53, 116, 130, 135, 192-194, 214, 216, 278 and SHR, xiv (1917), 281.

factor contributing to the adoption of the idea.[128]

The opposition of the Moderates to Moncreiff's veto motion centered on the presbyteries' prerogative of collation, the right of the courts of oversight to judge the fitness of presentees. The moderates were willing to make it easier than previously for parishioners to raise objections. However, they stood firm against a veto without the requirement that stated reasons for disapproval must be submitted to presbyterial judgement. As in the previous year the Moderates also believed that the veto infringed on the rights of patrons and thus violated the civil law. Dr. Duncan Mearns, Professor of Divinity in King's College, Aberdeen, who had emerged in recent months as a trenchant opponent of the veto, joined Cook in leading their side in this debate. Mearns moved that General Assembly reaffirm the declaratory law of the previous year and adopt the report of the committee appointed to propose details for its implementation.[129]

The Whig government in 1834 added its support to the veto proposal. In the previous Assembly Henry Cockburn, who

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[128]Charteris, "The Church of the Nineteenth Century to 1843," 310-311.

[129]Buchanan, Ten Years' Conflict, i, 252-256; Watt, Chalmers and the Disruption, 131; Acts of the General Assembly, 1834, 52; see also Patronage Report, 263-264, 267-268, 340-343, 348, 377, 447 and Charteris, "The Church of the Nineteenth Century to 1843," 311-312.

as Solicitor-General was the usual government officer in the house, had voted for Chalmers' motion, but as a private member, for the ministry had not then determined its position. By July 1833 the Whig leaders had decided that the veto provided the best solution to the problem. This ecclesiastical modification of patronage, rather than Parliamentary repeal of the Act of Anne, was to their minds the easiest answer to all the anti-patronage agitation. The government's endorsement, particularly as it came from the leading Crown lawyers in Scotland, helped to dissolve the doubts of many as to the right of General Assembly to enact the veto legislation. Once the Veto Act had passed, both the Attorney-General of England, Sir John Campbell, who sat for Edinburgh, and the Lord Chancellor, Lord Brougham, praised the measure.[130] Ironically, five years later Campbell would argue at the bar of the House of Lords that the Veto Act was illegal, and Brougham, in rendering final judgment there, would agree.[131]

After both sides had put forward and repeated many arguments in the debate of 27 May 1834 General Assembly passed the Veto Act by choosing Lord Moncreiff's motion over that of Dr. Mearns. With 322 commissioners voting, 184

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[130]Hanna, Chalmers, iii, 361; Cockburn, Affairs of Scotland, 495; Question of Church Patronage, 36; Turner, Secession of 1843, 170; Mathieson, iv, 306-307; Charteris, "The Church of the Nineteenth Century to 1843," 310; Watt, Chalmers and the Disruption, 141-142; supra, chapter eleven.

[131]Buchanan, Ten Years' Conflict, i, 421-433.

supported the veto and 138 the reaffirmation of Cook's 1833 declaratory act. Of the ministers who were members in 1834, ninety-five voted for the veto, eighty-six against; of the lay elders from presbyteries, forty-two for, thirty-eight against. The strongest support for the veto came from the burgh's lay commissioners, with forty-three in favor and only seven opposed.[132]

Having passed the momentous measure the Assembly appointed a committee to consider how it should be implemented, with instructions to report at that same Assembly. On 31 May Lord Moncreiff announced the committee's recommendation, that the veto be made an interim act and be sent down to the presbyteries under the Barrier Act for their approval, so that it might become fixed in the fundamental law of the church. The committee also suggested a set of specific directions to presbyteries for enforcing the Veto Act. To all these recommendations the Assembly agreed. A majority of presbyteries in due course approved the Veto Act and the Assembly of 1835 declared it a permanent law.[133]

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[132] Ibid., 261; Acts of the General Assembly, 1834, 52; Cockburn, Journal, i, 60; Mathieson, iv, 304, 306; M'Kerrow, Secession Church, ii, 498; Watt, Chalmers and the Disruption, 133.

[133] Acts of the General Assembly, 1834, 31, 52, 66; Watt, Chalmers and the Disruption, 133-134; Cockburn, Journal, i, 95-96; see also Patronage Report, 377. See infra, Appendix, for the text of the Veto Act.

On Friday, 30 May 1834, General Assembly considered and quashed the overtures it had received that urged the abolition of patronage. Hardly happier with the Veto Act than the Moderates,[134] supporters of the anti-patronage society moved that the Assembly accede to the overtures and petition Parliament for repeal of the Act of Anne. The motion, put at the end of the day's business, lost by forty votes to 207. The supreme court then dismissed the overtures.[135]

The anti-patronage society denounced as folly General Assembly's adoption of the Veto Act and rejection of abolition. The directors of the society predicted disaster as the result of these decisions:

> ...an arrangement of this character cannot come to good. It leaves untouched the bought and sold marketable right of patronage; it refuses to acknowledge the beautiful and christian privilege of expressed assent by the people...and it bestows upon them a right of contention, discord, and opposition; a privilege which...can never come into active exercise, except in the shape of strife....Their predicament is the unhappy one of rejecting the person chosen for them by another; they can never choose.[136]

The Reverend Dr. Thomas M'Crie, the esteemed seceder

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[134]See for example Turner, Secession of 1843, 167; Buchanan, Ten Years' Conflict, i, 241-243; Watt, Chalmers and the Disruption, 141. See also Patronage Report, 31, 94-95, 98-100, 263-264, 279-280, 428-429; [M'Crie], Present Crisis, 42-43; "Minister," Patronage and Calls, 128n.

[135]Acts of the General Assembly, 1834, 59.

[136]M'Kerrow, Secession Church, ii, 501.

director of the society, added his voice to the criticism of the Veto Act in a sermon preached the Sunday after the law's enanctment:

> I say it is more than suspicious that the alleged boon should be presented by the hands of those who have summarily and haughtily thrown out the petitions of the christian people against patronage. They say, they have muzzled the monster: It is a mistake; they have only muffled him, and they have muzzled the people.[137]

If some Evangelicals criticized the veto compromise, all Evangelicals rejoiced in the passage of a second piece of legislation in the 1834 Assembly. This measure, which united pro-veto and pro-abolition Evangelicals against the Moderates, was the Chapels Act.[138]

The previous Assembly, with Moderates and Evangelicals in agreement, had made the districts of the Parliamentary churches into parishes quoad sacra (for ecclesiastical purposes only.) The Ministers of those churches thus gained parity and a place in the courts with the regular clergy. Chapels of ease and their ministers, however, remained in a secondary status, for the chapels had no sessions and the ministers no seats in the courts. The establishment had integrated its new, government-sponsored churches in the Highlands--the Parliamentary churches--but not those of the

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[137] Ibid., 502n.

[138] Watt, Chalmers and the Disruption, 134-140.

growing urban areas of the Lowlands--the chapels of ease.[139]

The Chapels Act of 1834 changed this. Bowing to considerable pressure,[140] General Assembly enacted that chapels of ease districts also be made parishes quoad sacra. Their clergy were to be granted complete parity, with full rights of membership in the ecclesiastical courts; elders were to be chosen and sessions constituted for these new parishes.[141]

Passage of the Chapels Act considerably enforced the fact of Evangelical dominance in the supreme court and in the church at large. Although the Moderate party had supported the 1833 change for Parliamentary churches, it opposed that of 1834 for the chapels. The Moderates stated that the former was acceptable because Parliamentary churches were endowed. Chapels, however, usually were not and they consequently opposed their elevation to parochial status.[142] Enactment of the Chapels Act did more than underline the Evangelical majority in the Assembly that first manifested itself that year in the vote on the veto. It also helped to ensure the permanence of that Evangelical majority, because most of the more than sixty chapels ministers were Evangelical in

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[139]Ibid.

[140]See for example SRO, "Miscellaneous Assembly Papers: Petitions anent Chapels of Ease and Patronage, 1828-1832 and Rothesay Gaelic Petition 1834" (CH.1/5/85).

[141]Acts of the General Assembly, 1834, 27-28.

[142]Watt, Chalmers and the Disruption, 139.

affiliation. Burgh reform and the admission of the forty or so largely Evangelical clergymen of the Parliamentary churches had finally brought the Evangelical revival to supremacy in the supreme court in 1834. The Veto Act had marked the revival's victory over Moderatism as well as its compromise with patronage. The Chapels Act helped guarantee the continuance of--to use Mathieson's phrase--the "Evangelical ascendency."[143]

The veto compromise, however, killed the anti-patronage society and its abolition movement. The directors' denunciation of the Veto Act proved to be their last pronouncement. On 5 December 1834 the society did convene a tenth annual meeting in Edinburgh. Sinclair's sickness prevented him from being present, but the other leaders--Bridges, M'Crie, Dunlop, Dickson, et al.-- put a brave face on the situation. They made the usual speeches, reëlected office-bearers, and talked of continuing the campaign to persuade Parliament to abolish the hated institution. The Veto Act, however, had taken the wind out of their sails. Funds were low, contributions few, and auxiliaries inactive, and after the December meeting the organization faded into oblivion.[144] Some of its leaders would play important parts in the context which the Veto Act changed into the Ten Years' Conflict.

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[143]Mathieson, iv, 290.

[144]CPR, 19 (December 1834), 1-9.

But the society's day--its decade--was done.

If the society's ultimate goal remained unattained, however, its impact had been considerable. The General Assembly's solution to the patronage problem was a measure of victory for the reform movement as well as a defeat for the abolition effort. The church, through the veto compromise, sought to save patronage by reforming it. In one sense and with the benefit of hindsight, however, it can be seen that the compromise was unnecessary, for the campaign to repeal the Act of Anne had no likelihood of success at Westminster. In the longer view too, the compromise was to be the kirk's undoing.

EPILOGUE

BEYOND 1834

The veto compromise soon proved to be an impossible accommodation. Passage of the Veto Act ushered in a period of strife within the kirk and the country that culminated in 1843 in the cleavage of the Disruption. The events of the Ten Years' Conflict pitted civil courts against ecclesiastical judicatories, General Assembly against Whig and Tory governments, Moderates against Evangelicals, and Evangelicals against Evangelicals.[1]

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[1]For the Ten Years' Conflict and the Disruption see Alexander Turner, The Scottish Secession of 1843 (1859), from the viewpoint of the Evangelicals who remained in the establishment in 1843; Robert Buchanan, The Ten Years' Conflict (1849; new edn., 1852), Thomas Brown, Annals of The Disruption (1877-1881; new edn., 1893), and Hanna, Chalmers, iii and iv, from the viewpoint of the Evangelicals who left to form the Free Church; James Bryce, Ten Years of the Church of Scotland from 1833 to 1843 (1850), from the Moderate viewpoint. See also Cunningham, Church History, ii. For more recent treatments see Hugh Watt, Thomas Chalmers and the Disruption (1943); G. D. Henderson, Heritage: A Study of the Disruption (1943); J. F. Leishman, Matthew Leishman of Govan and the Middle Party of 1843 (1921); Mathieson, iv; and Ian Henderson, "Thomas Chalmers, 1780-1847," Wright, Fathers (1960), 129-142. For the period since the Disruption see J. R. Fleming, A History of the Church in Scotland, 1843-1874 (1927) and A History of the Church in Scotland, 1875-1929 (1933); Rolf Sjölinder, Presbyterian Reunion in Scotland, 1907-1921: Its Background and Development (Acta Universitatis Upsaliensis, Studia Historico-Ecclesiastica Upsaliensia 4, 1962); and Augustus Muir, John White (1958). For the entire period see Burleigh, Church History.

The Evangelical majority who passed the Veto Act in 1834 did not expect contention and tumult to be its fruit. Principal Burleigh writes that

> ...to the majority members of the assembly and to multitudes of sympathizers throughout the country it appeared that a great forward movement had begun; the Church was shaking off its centuries-old lethargy, and was entering upon a new period of quickened life.[2]

On the other hand, the Moderates and the anti-patronage Evangelicals who had opposed the veto compromise saw its danger. They realized the incompatibility of patronage and the Veto Act's interpretation of the call.[3] Lord Chancellor Brougham saw this too, but in 1839, not 1834. In deciding the Auchterarder case in the later year he stated that

> ...no two things are so impossible to exist together in the same world as the absolute right to choose on the part of one person without a reason and the absolute right to refuse on the part of another person without a reason.[4]

In the clash of two absolute claims to the same right lay the crux of the whole matter.

Many Evangelicals soon moved to make the veto a means for congregations to have absolute choice. The conservatism of Lord Moncreiff gave way to the predominance of those whom Moncreiff's friend, Henry Cockburn, Whig leader and

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[2]Burleigh, Church History, 340.

[3]See for example Mathieson, iv, 307; Patronage Report, 94.

[4]Mathieson, iv, 316-317.

Evangelical layman, called the "Immoderates" or "the Wild Party."[5] At least by 1836 a number of abolitionists, such as Alexander Dunlop, had joined with the younger element of the Evangelical majority to subvert the intent of the authors of the veto compromise to preserve patronage.[6] A swelling of anti-patronage sentiment accompanied the kirk's implementation of the Veto Act. So disturbed was Cockburn that he wrote on the eve of the Assembly of 1836 that "Our dearly beloved Venerable proceeds to its annual slaughter of Mother Church tomorrow."[7]

While the cases under the Veto Act were few,[8] they were sufficient to bring the church to crisis. The initial, and decisive, case arose from a presentation in 1834 to the parish of Auchterarder, Presbytery of Auchterarder, Perthshire. The majority of male heads of families vetoed the presentation. Eventually, on 8 March 1838, the Court of Session, by a vote of eight to five, struck down the Veto Act. General Assembly appealed to the House of Lords. Brougham and his successor as Lord Chancellor, Lord

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[5]Cockburn, Journal, i, 95-98.

[6]Mathieson, iv, 330.

[7]Cockburn, Affairs of Scotland, 525.

[8]Principal Burleigh writes (Church History, 344): "It has been computed that between 1834 and 1839 out of 150 presentations to vacant parishes only ten were vetoed, and of these ten only three or four led to legal action."

Cottenham, in May 1839 upheld the Court of Session's judgement. Brougham had brought the law back to what it had been under his great-uncle, Principal Robertson. The highly Erastian decisions in the Auchterarder case, denying the kirk any independence from the state, inaugurated a battle between the civil and ecclesiastical courts. Henry Cockburn, then on the Court of Session and a part of its pro-veto minority, remembered that his anti-veto colleagues "soon got rabid, insomuch that there seemed to be no feeling except that of pleasure at winging Wild-Churchmen."[9]

Facing adamant opposition in the state's courts, the church sought from the leaders of government legislation to overcome that opposition. The result was total failure. Chalmers, who continued to lead the majority party and therefore the church, turned militant in 1839. In a three-hour oration to the Assembly he called upon the kirk to take a strong stand for its rights.[10] Subsequently, he led Evangelical leaders to London to beseech relief from Melbourne, the Whig Prime Minister, and after 1841 from Peel, his Tory successor, but the political chiefs and their colleagues proved uncoöperative.[11]

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[9]Mathieson, iv, 307-317; Burleigh, Church History, 341-343, 346 (whence the quotation from Cockburn).

[10]See for example Burleigh, Church History, 343; Cockburn, Jeffrey, ii, 301.

[11]See for example Burleigh, Church History, 347-348.

In 1842 the General Assembly did what the anti-patronage society had failed to persuade it to do in 1834. It petitioned Parliament for the abolition of patronage, the root grievance in the conflict. The church's legislature declared on 23 May 1842 by a vote of 216 to 147:

> That patronage is a grievance, has been attended with much injury to the cause of true religion in this Church and Kingdom, is the main cause of the difficulties in which the Church is at present involved, and that it ought to be abolished....[12]

The committee of Assembly which was instructed to prepare the petitions to Parliament was also ordered to send an address on the subject to the queen. The committee included among its fourteen members a number of commissioners who had been supporters and even directors of the anti-patronage society: the Reverend Mr. William Cunningham, the committee's convener; the Reverend Dr. David Welsh, Professor of Ecclesiastical History at Edinburgh and Moderator of the 1842 Assembly; Alexander Dunlop, the advocate; and James Bridges, who had been the society's secretary and whose 1824 pamphlet had launched the patronage reform movement.[13]

The attempt of General Assembly to secure repeal of the Act of Anne in 1842 proved no more successful than the anti-patronage society's endeavors a decade earlier. The government at London, which, of course, was overwhelmingly

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[12] Acts of the General Assembly, 1842, 25, 61.

[13] Ibid., 25, 61-62.

English, had no intention of permitting the abolition of patronage in the Church of Scotland. Peel's position had not changed since he had first announced it in the debates of the early 1830's. In fact the decisions of the civil courts enforced the Prime Minister's belief in patronage. The conflict of church and state had reached an impasse. To Chalmers and the Evangelical majority who followed him it seemed that the only solution was for them to sever the connection with the state. Sir George Sinclair, the leader of the earlier abolition movement sought at the eleventh hour to arrange an accommodation between church and state, but to no avail.[14] When a Scottish member made a last effort in the House of Commons to obtain consideration of the problem, the other Scottish members supported the move by a vote of twenty-five to twelve. However, a much larger English majority quashed the attempt.[15] The Non-Intrusionists, as Chalmers and his followers among the Evangelicals were now known, prepared to leave the establishment and continue as the Free Church of Scotland.

Thus on 18 May 1843 came the Disruption. The Non-Intrusionists followed Chalmers and Welsh out of the meeting of the Church of Scotland General Assembly to constitute

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[14]Thurso East MSS., Volume of Letters on "Kirk Negotiations, 1841-42."

[15]Burleigh, Church History, 350.

their own assembly and denomination. Four hundred and fifty-one Evangelical clergymen left the establishment for the new Free Church; 752 other clerics remained in the "Auld Kirk."[16] Of the latter about 480 were Moderates and 260 were Evangelicals. Mathieson has written that for the ministers "the rate of secession over the whole Church was almost 35 per cent, rising to more than 75 per cent in the Synod of Ross and falling to 19 per cent in that of Dumfries."[17] Approximately one-third of the laity joined the seceding clergy in the Free Church. However, these laymen had been perhaps the most active element in the membership of the established kirk.[18]

The Ten Years' Conflict and the Disruption aroused interest and emotion without parallel in Scotland since 1707. David Masson, the great historian of literature and Historiographer-Royal, remembered the period as one in which "over all Scotland there was a rage of ecclesiastico-political discussion, exercising men's minds in a really extraordinary manner...."[19] Henry Cockburn wrote that the Disruption was "...the most honourable feat for Scotland that its whole

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[16]Ibid., 352.

[17]Mathieson, iv, 371.

[18]Burleigh, Church History, 352.

[19]Masson, Two Cities, 37.

history supplies."[20] In this present decade Sir Charles Petrie has suggested that

> whatever view may be taken of the actual point at issue, in this case lay patronage, there can surely be nothing but praise for these men who...put their consciences before any thought of worldly gain. Their sufferings...were very real, for unlike their contemporary English brethren, few of the Scottish clergy had any private means, and most of those who seceded went out from their manses into the world penniless.[21]

Undoubtedly a great deal of the responsibility for the Disruption belonged to the British government. Certainly the impasse created by the interpretations of the Court of Session majority and the two-judge bench in the House of Lords on the one hand, and the adamant position of the kirk's leaders on the other, need not have gone without remedy. Parliament, and especially the queen's ministers, could have provided a legislative solution. A few Scottish politicians at Westminster, both in and out of government, did seek Parliamentary action to solve the problem.[22] However, the dominant English Whigs and Tories, from apathy and antipathy, preferred to do nothing. The British government underestimated the strength of feeling in Scotland and mis-

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[20]Burleigh, Church History, 351.

[21]Illustrated London News, ccxl (3 March 1962), 331.

[22]Mathieson, iv, 327-329, 344-345.

took as a bluff the threat of secession.[23] Again too, so many Englishmen in Parliament were totally unable to see possibilities for an establishment beyond the Erastianism of their own national church.[24] In addition--as always--the London legislature's disinterest in Scottish affairs compounded the problem. Sir James Balfour Paul, early-twentieth-century historian, concluded that

> The Government, whether misled or supine, did not... grasp the gravity of the situation, and what might have been prevented by judicious legislation became an accomplished fact.[25]

If it can be suggested that enactment of the Reform Bill of 1832 saved Britain from political revolution, it can be said that Parliament's failure to satisfy the Scottish church's demand for reform helped to cause ecclesiastical revolution in Scotland. That revolution, the Disruption, looms the larger when it is realized how highly important the ecclesiastical element was in Scottish life.

If the British government bore responsibility for the Disruption, so too did the kirk and particularly Chalmers and the Evangelical leadership. The unyielding attitude of these Evangelicals led many to regard them as irresponsible

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[23]Burleigh, Church History, 351; Panmure Papers, ii, 506; Cockburn, Journal, i, 317.

[24]See for example Panmure Papers, ii, 504; Mathieson, iv, 336.

[25]SHR, xix (1922), 141.

extremists.[26] Chalmers himself had largely alienated those in political authority,[27] and a case can be made for the view that his leadership during this period of crisis was inept. Mathieson has stated that because Chalmers was "obsessed by that oneness of idea which made him so good an orator" he was also "so bad a diplomatist."[28] He had "a moral loathing of these Whugs"[29] and offended their London chiefs; but with his own party, the Tories, he fared no better.[30] Part of his problem as leader of the church may have been his own lack of discernment. This led him to be easily influenced in the days before the Disruption by "pugnacious assistants,"[31] just as Lord Moncreiff had held sway over him early in the 1830's. The weight of the great doctor's leadership stood behind the uncompromising adamancy of the Non-Intrusionist Evangelicals just as it had backed the impossible compromise of the Veto Act. Long held the hero of the piece, one wonders if Thomas Chalmers was not as much its villain.

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[26]Burleigh, Church History, 346.

[27]Ibid., 335.

[28]Mathieson, iv, 327.

[29]Chalmers, quoted by the Duke of Argyll, Ibid.

[30]Ibid., 326-327, 330, 366-367.

[31]SHR, xiv (1917), 281; see also Henderson, "Chalmers," Wright, Fathers, 135.

It is tempting to speculate what might have happened had not Andrew Thomson's premature death removed him from the leadership of the Evangelical party. It seems quite probable that he would have led an Evangelical majority to demand abolition in the early 1830's. For him that forthright and decisive disposition of the problem and grievance would probably have had more appeal than the veto compromise. One historian has remarked that "Andrew Thomson had always assailed Patronage itself; and had he lived, it is little likely that he would have yielded to this desire to maintain it."[32] Thomson, one may hazard, would have moved heaven and earth before sacrificing the establishment. Surely too, his close friendship with the powerful Lord Brougham, Lord Chancellor in the early 1830's, would have been of use in moving the government.[33]

If responsibility for the Disruption is to be apportioned, however, Chalmers and the Evangelical leadership on the one hand and the British government on the other are not

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[32]A. H. Charteris, "The Church of the Nineteenth Century to 1843," The Scottish Church from the Earliest Times to 1881 (1881), 311.

[33]The Disruption Worthies, the Free Church's official hagiography, includes a life of the Reverend Sir Henry Moncreiff Wellwood. He was of course long in his grave by 1843 and would probably have resented this Morman-like extension of a blessing backward to the departed. Sir Henry seems as improbable a candidate for leadership of secession as does Thomson (see for example Moncreiff Wellwood, Erskine, 452-453). The compilers of the Worthies did not dare to include Thomson among their subjects.

the only factors. A third is the Scottish nation itself. Or one might perhaps better write "lack of nation." Scotland's acquiesence in government from the outside--the lack of her own government--was to a great degree responsible for the irresolution of the impasse that brought the Disruption, just as it has so often been at the crux of problems since 1707.

The Disruption solved neither the patronage nor the church-state problem. Only the concerted efforts of the forces of reform and reconciliation eventually provided effective answers to these questions. It took eighty-six years beyond 1843 to achieve the solution to the great problem raised by the movement for patronage reform and the church-state conflict. In 1874 the Church of Scotland persuaded Parliament to abolish patronage and grant to communicants, male and female, the right to elect their ministers. In 1921 the church of the establishment and the church of the Disruption jointly persuaded Parliament to recognize the spiritual independence of the Scottish national church. In 1929 the two churches reunited in the Church of Scotland free and established.

It is possible to speculate in various veins and directions about what might have happened had not patronage been restored in 1712, had not the Disruption split Ecclesia Scoticana in 1843, and so forth. History, however, cannot be re-run with changes in variables as in some scientific

experiment; it must be accepted as it was. In the long run at least, the fact remains that out of the patronage reform movement, the Ten Years' Conflict, the Disruption, and the years of separation, came in the Reunion of 1929 what most Scots consider to be a creative solution to the problem of the fundamental legal and theological nature of the Church of Scotland. Building on this model basis and faithful to its call, the Scottish kirk, said the Right Reverend Principal John H. S. Burleigh in an address as Moderator of General Assembly in the Reformation anniversary year of 1960,

> will justify a claim to be regarded as the National Church, representative of the Christian Faith of the Scottish people, or better, bearer of the Word of God to this Nation and representative of Christ's Kingdom in Scotland.[34]

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[34]J. H. S. Burleigh, The Scottish Reformation and the Idea of a National Church, quoted in R. Stuart Louden, The True Face of the Kirk: An Examination of the Ethos and Traditions of the Church of Scotland (1963), 124.

APPENDIX

THE VETO ACT OF 1834[1]

"Overture and Interim Act on Calls.

Edinburgh, May 31. 1834.

The General Assembly declare, That it is a fundamental law of this Church, that no Pastor shall be intruded on any Congregation contrary to the will of the people; and, in order that this principle may be carried into full effect, the General Assembly, with the consent of a majority of the Presbyteries of this Church, do declare, enact, and ordain, That it shall be an instruction to Presbyteries, that if, at the moderating in a Call to a vacant pastoral charge, the major part of the male heads of families, members of the vacant congregation, and in full communion with the Church, shall disapprove of the person in whose favour the Call is proposed to be moderated in, such disapproval shall be deemed sufficient ground for the Presbytery rejecting such person, and that he shall be rejected accordingly, and due notice thereof forthwith given to all concerned; but that, if the major part of the said heads of families shall not disapprove of such person to be their pastor, the Presbytery shall proceed with the settlement according to the

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[1]Acts of the General Assembly, 1834, 31.

rules of the Church: And farther declare, that no person shall be held to be entitled to disapprove as aforesaid, who shall refuse, if required, solemnly to declare, in presence of the Presbytery, that he is actuated by no factious or malicious motive, but solely by a conscientious regard to the spiritual interests of himself or the congregation."

GLOSSARY

Words underlined in the definitions are explained elsewhere in the Glossary.

Act of Anne

An Act of the British Parliament, 1712, restoring the system of patronage that prevailed until 1874. Popularly referred to by the name of the monarch who not only assented to it, but sponsored it.

Advocate

A member of the Faculty of Advocates, the official organization of those admitted to practice at the Scottish bar. Some advocates also practiced at the bar of General Assembly. Anglicé, barrister. (See also College of Justice.)

Barrier Act

An Act of the General Assembly, 1697, under which all important ecclesiastical legislation, such as changes in doctrine or polity, must be passed by one Assembly as an interim act, discussed and approved during the ensuing year by a majority of presbyteries, and passed finally by the next Assembly. Part of the fundamental constitution of the Church of Scotland.

Benefice

The living of a parish minister, obtained through presentation and admission, consisting of the right to stipend, manse, and so forth. In modern times the benefice has always been connected to the office of minister.

Burgh

A town, incorporated and having local jurisdiction. Royal burghs, one type, sent representatives to General Assembly.

Call

The act, or document signifying the act, of parishioners giving their consent or welcome to an individual to become their minister. Under the system of patronage prevailing in Scotland in the early nineteenth century, parishioners were given the opportunity to subscribe a call after presentation by the patron and before admission by the presbytery; the call was then largely an empty formality. (See chapter twelve.)

College of Justice

The fifteen judges ("Senators"), the advocates, the Writers to the Signet, and even the clerks, attached to the supreme courts of Scotland. The fifteen judges or Senators comprise the bench of the Court of Session, the supreme civil court, and two of the fifteen, the Lord President of the Court of Session and the Lord Justice-Clerk, lead the court.

Senators, as Lords of Session, comprise the Court of Teinds. Senators (six of them in the late 1820's and early 1830's) also comprise, with the Lord Justice-General (now the Lord President of the Court of Session, but an additional individual in the early nineteenth century), the High Court of Justiciary, the supreme criminal court.

Commission of Assembly

An interim body of the General Assembly, consisting of the members of the previous Assembly, but with only a fraction of the membership constituting a quorum and carrying on business. Empowered to act for General Assembly in certain areas, especially in judicial cases referred to it by the Assembly.

Commissioner

(1) A lay elder chosen to represent his kirk session in presbytery and synod, or chosen to represent a presbytery or burgh or university in General Assembly; or a minister chosen to represent a presbytery or university in General Assembly. (2) The Lord High Commissioner, the Crown's representative to General Assembly.

Court of Session

See College of Justice.

Dissenter

Member of a Christian sect not in agreement with the doctrine

or presbyterian polity of the Church of Scotland, such as a Roman Catholic, an Episcopalian, or an Independent (Congregationalist). Some who had originally been seceders considered themselves dissenters on abandoning the establishment principle of the Church of Scotland. Sometimes, however, all seceders were included in the term "dissenter."

Elders

Technically all those who govern in the church, that is to say, ministers ("teaching elders") and lay elders. Popularly just the latter, a few leading laymen selected in each parish to constitute the kirk session with the minister, and eligible to be selected to sit as lay commissioners in the higher courts. (See chapter three.)

Evangelical, Evangelicalism

See preface.

Feuar

One entitled to rent land in perpetuity as long as he meets the conditions of the feudal arrangement. Feuars were a group of landholders secondary to heritors.

General Assembly

The supreme court or council of the Church of Scotland, to which all lower courts (synod, presbytery, and kirk session) are subordinate. In the late 1820's and early 1830's the Assembly consisted of about two hundred clergymen,

representing presbyteries, about one hundred and sixty lay elders, representing presbyteries or burghs, and five ministers or lay elders representing universities. General Assembly met annually in Edinburgh, usually for about twelve days in May. It is referred to officially as "The Venerable the General Assembly." (See chapter twelve.)

Heritor

A landowner. Defined variously, but in ecclesiastical law one responsible for the teinds and the fabric of church and manse. A heritor is properly referred to by the name of his estate as well as his personal names, thus for example, "Robert Whigham of Hallidayhill." (See chapter eight.)

High Court of Justiciary

See College of Justice

Jus devolutum

The right of appointment to a benefice which devolved on the presbytery when the patron failed to make a presentation. (See chapter two.)

The kirk

The established Church of Scotland. A kirk: a parish church.

Kirk session

The ecclesiastical court of a parish, consisting of the parish's minister and lay elders. (See chapter three.)

Living

See benefice.

Lord Justice-Clerk

See College of Justice.

Lord President (of the Court of Session)

See College of Justice.

Moderate, Moderatism

See preface.

Moderator

The presiding officer of an ecclesiastical court, always a clergyman and in the kirk session therefore the minister of the parish. In the higher courts elected annually. The Moderator of the General Assembly is the highest office-bearer in the kirk and is addressed as "The Right Reverend" during term of office and thereafter as "The Very Reverend."

Overture

A formal communication from a presbytery or synod to General Assembly requesting legislation of a particular nature or on a particular subject. To overture: to send up such a communication.

Parish

The smallest general ecclesiastical division, the territory

of a minister, kirk session, and parish church. There were 942 parishes in 1824, 1,197 in 1843.

Parishioners

Inhabitants of a parish; perhaps in a more limited sense, the adult or (before 1874) adult male inhabitants. Because the Church of Scotland is the established church all inhabitants are parishioners.

Patron

The possessor of a patronage, the right to give a presentation to a benefice. (See chapter two.)

Patronage

(1) The mode of ministerial appointment in effect in Scotland during most of the time from the Middle Ages to 1874 (see preface). (2) a patronage: a right to grant a presentation to a benefice.

Presbytery

The ecclesiastical court above the kirk session and below the synod, consisting of the minister and one lay elder from each parish in its area, a sub-division of the province of a synod. The presbytery is the important agency of oversight, something of a corporate bishop. Scotland was divided into seventy-eight presbyteries in the late 1820's and seventy-nine in the early 1830's. (See chapter two.)

Presentation

The act, or document signifying the act, of the patron appointing an individual (who thereby became the "presentee") to be the minister of a parish. The patron submitted the presentation to the presbytery, which judged the qualifications of the presentee and admitted him to the benefice and office of minister of the parish. (See chapter two.)

Procurator

The advocate and senior law officer to the Church of Scotland. The Law Agent, since 1809 always a Writer to the Signet, is the church's solicitor.

Seceder

Member of one of the Presbyterian sects that left the Church of Scotland, chiefly on account of patronage, but remained in agreement with the doctrine and general polity of the kirk. See also dissenter.

Senator of the College of Justice

See College of Justice.

Synod (or Provincial Synod)

The ecclesiastical court above the presbytery and below the General Assembly, consisting of the ministers and lay elders who form the membership of the presbyteries constituting the synod's province (roughly a mediaeval diocese). The synods served largely as appellate courts, although they also sent

overtures on various topics to General Assembly. In the late 1820's and early 1830's there were sixteen synods.

Teinds

That part of the income from land in a parish from which the minister's stipend is drawn. Anglicé, tithes. (See chapter two.)

Voluntary

A dissenter who advocated the disestablishment of the Church of Scotland, forcing it to rely entirely on voluntary contributions like all other denominations. See also dissenter.

Writer to the Signet (W.S.)

A member of the Society of Writers to His Majesty's Signet, the leading organization of solicitors, who formerly enjoyed the exclusive right to sign warrants under the king's signet, the seal of the Court of Session. (See also College of Justice.) A writer: any solicitor, as opposed to an advocate, the other type of lawyer.

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